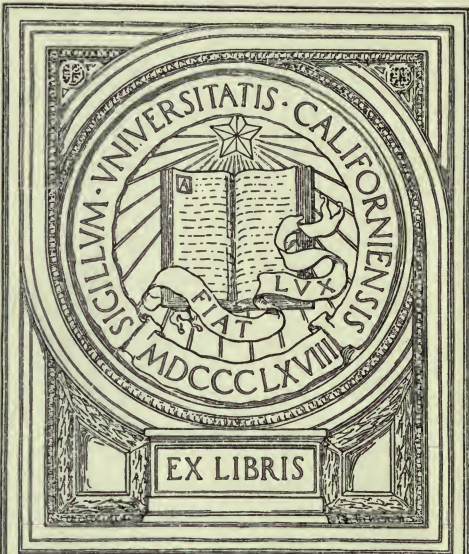


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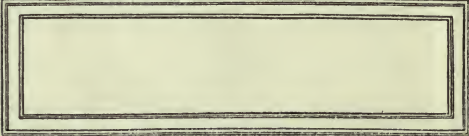


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Walter Mulford

State of New York

Forest, Fish and Game Law

An Act for the Protection
of the Forests, Fish and
Game of the State

Enacted by the Legislature of Nineteen
Hundred and Nine and Amended by the
Legislature of Nineteen Hundred and Ten



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STATE OF NEW YORK

Forest, Fish and Game Commission

JAMES S. WHIPPLE, Commissioner

J. DUNCAN LAWRENCE, Deputy Commissioner

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NO. 1110
ALBANY, N. Y.

THE FOREST, FISH AND GAME LAW.

Chapter 24 of the Laws of 1909.

"AN ACT relating to the protection of the forests, fish and game of the state, constituting chapter nineteen of the consolidated laws."

Became a law February 17, 1909, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER NINETEEN OF THE CONSOLIDATED LAWS FOREST, FISH AND GAME LAW.

PART I.

- Article 1. Forest, fish and game commission (§§ 1-8).
2. Game protectors (§§ 11-18).
 3. Prosecutions (§§ 19-27).
 4. Private parks (§§ 28-33).
 5. Forests and public parks (§§ 34-75).

PART II.

- Article 6. Quadrupeds (§§ 76-86).
7. Birds (§§ 87-105).
 8. Fish, general provisions (§§ 106-143).
 9. Fish, local provisions (§§ 144-160).
 10. Fishways (§§ 161-166).

Article II Long Island (§§ 167-182).

12. Bureau and marine fisheries (§§ 182*-225).
13. Definitions, construction; laws repealed; effect (§§ 240-244).

ARTICLE I.

Forest, Fish and Game Commission.

Section 1. Short title.

2. Forest, fish and game commission.
3. Fish culturist.
4. Office and clerical force.
5. Duties of commissioner.
6. Power of commissioner to dispose of game and fish seized.
7. Report to legislature.
8. † Commission to compile forest, fish and game law.

§ 1. Short title.— This chapter shall be known as the "Forest, Fish and Game Law."

§ 2. Forest, fish and game commission.— The forest, fish and game commission shall consist of a single commissioner as now provided by law. He shall have all the powers and duties formerly possessed by such commission or any member thereof. He shall be appointed by the governor by and with the advice and consent of the senate. The term of office of such commissioner and his successors in office shall be four years, and in case of vacancy in the office, the appointment shall be to fill the va-

* So in original. See section 183, p. 109.

† So in original. See section 8, p. 7.

cancy. He shall receive an annual salary of six thousand dollars and the expenses necessarily incurred by him in the discharge of his official duties. Said commissioner shall appoint a deputy commissioner who shall receive an annual salary of three thousand dollars and the expenses necessarily incurred by him in the discharge of his official duties. During the absence or inability to act of the commissioner the deputy commissioner shall have and exercise all the powers of the commissioner. The commissioner and deputy commissioner shall each execute and file with the comptroller of the state a bond to the people of the state in the sum of ten thousand dollars with sureties to be approved by the comptroller, conditioned for the faithful performance of his duties and to account for and pay over pursuant to law, all moneys received by him in his office. The commissioner and deputy commissioner shall take and subscribe the constitutional oath of office. The deputy commissioner may be removed by the commissioner who may in like manner appoint a successor. (*As am'd by chap. 474, Laws of 1909.*)

§ 3. **Fish culturist.**—The commissioner shall appoint a fish culturist who shall have charge under the direction of the commissioner of the culture of fish in the state. He shall receive an annual salary of three thousand dollars, and have his actual and necessary traveling expenses while in the performance of his official duty.

§ 4. **Office and clerical force.**—The commissioner shall have an office in the capitol at Albany, and may lease an office in the borough of Man-

hattan or in the borough of Brooklyn for the sale or lease of lands under water, as provided by law. The commissioner may appoint a general secretary and a confidential secretary, a superintendent of forests, an assistant superintendent of forests and such other clerical assistants as are actually needed and fix their compensation. The superintendent of forests and in his absence or inability to act, the assistant superintendent of forests, shall, subject to the direction of the commissioner, have general supervision of the forest preserve and the forestry interests of the state, and shall enforce all laws and regulations for the protection and preservation of the forest preserve, and public parks described in this chapter. The assistant superintendent of forests, when directed by the commissioner so to do, shall perform all acts required to be performed by the commissioner under sections sixty-eight, sixty-nine, seventy and seventy-one of this chapter. (*As am'd by chap. 474, Laws of 1909.*)

§ 5. **Duties of commissioner.**—The commissioner shall have charge, control and management of the state lands and forests in the state forest preserve, parks and reservations; of the propagation and distribution of food and game fish and shellfish to supply the waters of the state; of hatching stations owned or operated by the state; of the enforcement of laws for the protection of fish and game and the forests; of lands under water which have been or shall be designated, surveyed and mapped out pursuant to law as oyster beds, and power to grant shellfish leases or franchises on such lands according to law, and such other powers and duties as are or may be imposed upon him by law.

§ 6. Power of commissioner to dispose of game and fish seized.—Whenever game animals, birds or fish possessed in violation of the law shall have been seized and confiscated by the state, the commissioner may, in his discretion, order that the same may be sold or given away for charitable purposes, and the same may be transported at any time for such purpose.

§ 7. Report to legislature.—The commissioner shall annually report to the legislature the proceedings of the commission for each year ending September thirtieth with such recommendations as he deems proper. In such report he shall include a detailed statement of the receipts and disbursements from all sources; a brief description of the land purchased during the year for the Adirondack park, and statistics of forest fires.

§ 8. Compilation and digest of forest, fish and game law.—As soon as practicable after the adjournment of the legislature in each year, the forest, fish and game commissioner shall make a compilation of the forest, fish and game law, as amended at the date of such compilation, and properly index the same. Thirty thousand copies of said compilation shall be printed in pamphlet form of pocket size, under the direction of the clerks of the senate and assembly, and such clerks shall distribute them as follows: One hundred copies to each senator, fifty copies to each assemblyman, and the balance to the forest, fish and game commission for distribution. The forest, fish and game commissioner shall, as soon as practicable after the adjournment of the legislature in each year, prepare a brief summary

or digest of the forest, fish and game law. A sufficient number of copies of such summary or digest shall be printed, which the forest, fish and game commissioner shall distribute to county, city and town clerks to supply a copy to each person procuring a hunting license, and the balance, if any, shall be distributed by the forest, fish and game commissioner in such manner as he deems best. (*As am'd by chap. 533, Laws of 1909.*)

ARTICLE II.

Game protectors.

Section 11. Game protectors.

12. Game protectors to give bonds.
13. Compensation of game protectors.
14. Powers of game protectors.
15. Records and reports.
16. Chief game protector's report.
17. Special game protectors.
18. Sheriffs and constables.

§ 11. Game protectors.—The commissioner shall appoint ninety game protectors. At least one shall reside in each of the counties of Essex, Clinton, Franklin, Saint Lawrence, Jefferson, Lewis, Herkimer, Hamilton, Warren and Washington, and the next eight protectors shall be appointed from said counties. The protectors shall hold office during the pleasure of the commissioner and the commissioner shall from time to time designate from the protectors a chief game protector and a first, second, third, fourth, and fifth assistant chief game protectors, four division chiefs, and a protector for the Saint Lawrence river. The commissioner may

appoint two additional game protectors who shall be assigned to enforce the law for the protection of fish in Jamaica bay and adjacent waters as prescribed by the forest, fish and game law, and also shall perform such duties as said commissioner may direct. The chief game protector shall have general supervision and control of all protectors. Civil service examinations for protectors of all grades shall be confined to counties. (*As an'd by chap. 474, Laws of 1909 and chap. 675, Laws of 1910.*)

§ 12. **Game protectors to give bonds.**—The chief game protector shall give a bond to the people of the state in the sum of one thousand dollars conditioned for the faithful discharge of his duties, with sureties to be approved by the commissioner. Every game protector shall give a like bond in the sum of five hundred dollars.

§ 13. **Compensation of game protectors.**—The chief game protector shall receive an annual salary of two thousand five hundred dollars a year and his actual and necessary expenses while in the discharge of his official duties, not exceeding one thousand dollars a year. The first assistant chief protector shall receive one thousand six hundred dollars a year. The chief protector, or the first assistant chief protector during such time as he shall be required by the commissioner to reside constantly in Albany shall receive an additional salary at the rate of fifty dollars per month together with his necessary traveling and incidental expenses while absent from the city of Albany in the discharge of his official duties. The second, third, fourth, and

fifth assistant chief protectors and each division chief protector shall each receive one thousand two hundred dollars a year. Each assistant chief protector and each division chief shall receive his necessary traveling and incidental expenses while in the discharge of their official duties not exceeding seven hundred and fifty dollars a year. Other protectors shall receive nine hundred dollars a year and an allowance for expenses not exceeding five hundred dollars a year. Each of the two game protectors appointed to protect fish in Jamaica bay shall receive not to exceed thirteen hundred dollars a year and actual and necessary traveling and incidental expenses while in the discharge of their official duty, not exceeding four hundred and fifty dollars each year. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 14. Powers of game protectors.— Game protectors shall enforce all laws relating to fish, birds and game; all laws of boards of supervisors relating to the same; and shall have power to execute all warrants and search warrants issued for a violation of this chapter; to serve a summons issued from justices' court; to serve subpoenas issued for the examination and investigation or trial of offenses against any of the provisions of said law; to make search where they have cause to believe that fish or game is possessed in violation of law, and without search warrant to examine the contents of any boat, car, box, locker, basket, creel, crate, gamebag or other package, and the contents of any building other than a dwelling house, to ascertain whether any of the provisions of this chapter or of any law for the protection of fish, shellfish, and game

have been or are being violated, and to use such force as may be necessary for the purpose of such examination and inspection; and with a search warrant to search and examine the contents of any building or dwelling house; seize all game animals, birds or fish, possessed in violation of law and hold the same subject to the order of the commissioner; to arrest without warrant any person committing a misdemeanor under the provisions of this chapter in their presence, and take such person immediately before a magistrate having jurisdiction for trial. Any regular or special game protector, fire superintendent or fire patrolman or inspector who shall compromise or settle any violation of the forest, fish and game law out of court, or without the order of the forest, fish and game commissioner shall be guilty of a misdemeanor. (*As am'd by chap. 474, Laws of 1909.*)

§ 15. **Records and reports.**—Each game protector shall keep a daily record of his official acts, and at the close of each month report the same to the chief game protector. The salary and traveling expenses of a protector shall not be payable except upon the certificate of the chief game protector that such protector has made the required report and properly performed his duties.

§ 16. **Chief game protector's report.**—The chief game protector shall make a monthly report to the commissioner of the operation of his department during the preceding month and shall report any negligence or failure to perform duty on the part of any game protector, and shall make such further reports as shall be required by the commissioner.

§ 17. **Special game protectors.**—The commissioner may in his discretion appoint a person recommended by a majority of the supervisors of any county or by any game club incorporated for the protection of fish or game, as special game protector. Such special game protectors shall hold office during the pleasure of the commissioner and shall have the same powers as game protectors and receive one-half of the fines and penalties less expenses, but shall not receive pay from the state. They shall make reports in the same manner as game protectors.

§ 18. **Sheriffs and constables.**—Peace officers shall have the same powers as game protectors under this chapter, except the right of search without warrant.

ARTICLE III.

Prosecutions.

- Section 19. Actions for penalties by the people.
20. Costs in actions by the people.
 21. Proceeds of actions by the people.
 22. Actions by private persons or societies.
 23. Judgments; how enforced.
 24. Criminal jurisdiction of courts.
 25. Search warrants; when issued.
 26. Punishment for misdemeanor.
 27. Witnesses not excused from testifying.

§ 19. **Actions for penalties by the people.**—Except as otherwise provided in this chapter, actions for penalties for a violation of the forest, fish and game provisions of this chapter shall be in the name

of the people of the state of New York; and must be brought on the order of the commissioner. The forest, fish and game commissioner may employ necessary counsel in the office of the forest, fish and game commission, and may likewise designate and appoint an attorney or attorneys to represent the department in the prosecution or defense of any action or proceeding brought under the provision of this chapter. They shall be paid by the state treasurer on the warrant of the comptroller such compensation as shall be agreed upon by the forest, fish and game commissioner. Such actions may be discontinued by order of the court on the application of the commissioner upon such terms as the court may direct. Such actions if in justices' courts, may be brought in any town of the county in which the penalty is incurred or of the county in which the defendant resides.

§ 20. **Costs in actions by the people.**—In case of recovery of any amount in an action for a penalty under this chapter or in an action authorized by the article on forests and public parks, the people shall recover full costs as provided by section thirty-two hundred and fifty-one of the code of civil procedure, together with witnesses' fees and other disbursements.

§ 21. **Proceeds of actions by the people.**—Moneys recovered in an action for a penalty, or upon the settlement or compromise thereof, and fines for violations of this chapter shall be paid to the commissioner who shall apply so much thereof as may be necessary to the payment of the expenses of collection and shall on the order of the commissioner

pay one-half of the balance, in cases brought by special protectors and fire wardens, to the special game protector or fire warden upon whose information the action was brought. Regular protectors shall not receive moieties.

§ 22. **Actions by private persons or societies.**—A private person, on giving security for costs to be approved by a judge of the court in which the action is brought and any society, or corporation for the protection of fish, birds and game, may recover in his or its name any penalty imposed by this chapter for a violation of the fish and game provisions thereof, and shall be entitled in case of collection, to one-half of the recovery; the balance shall be paid to the commissioner. Notice of the commencement of such an action shall be given to the commissioner within fifteen days after the service of the summons therein, and failure to give such notice shall be a defense to the action. If after the commencement thereof an action be brought for the same penalty in the name of the people, an order shall be entered on the application of the commissioner for the discontinuance of such action without cost to either party. Motion papers on such application shall be entitled in both actions.

§ 23. **Judgments; how enforced.**—Judgments recovered under this chapter may be enforced by execution against the person. A person imprisoned upon such an execution as provided by section three thousand and thirty-two of the code of civil procedure shall not be admitted to the liberties of the jail and shall be confined for not less than one day, and at the rate of one day for each dollar recovered.

No person shall be imprisoned more than once or for more than six months on the same judgment. Imprisonment shall not operate to satisfy a judgment.

§ 24. **Criminal jurisdiction of courts.**—Courts of special sessions and police courts in towns and villages and the several courts of special sessions and police courts in cities shall in the first instance have exclusive jurisdiction of offenses committed under this chapter, and the jurisdiction of said courts shall extend to all such offenses committed in the county where the court sits. A warrant shall be returnable before the magistrate issuing the same.

§ 25. **Search warrants; when issued.**—Any justice of the peace, police justice, county judge, judge of the city court or magistrate having criminal jurisdiction, shall if it appear probable that fish, birds or game taken or possessed contrary to the provisions of this chapter, is concealed, issue a search warrant for the discovery thereof, according to the practice provided in sections seven hundred and ninety-four to seven hundred and ninety-seven inclusive of the code of criminal procedure.

§ 26. **Punishment for misdemeanor.**—A person convicted of a misdemeanor under this chapter shall, except as otherwise provided, be punished by a fine of not less than ten dollars or more than the amount of penalty recoverable in a civil action for the offense committed; or by imprisonment in the county jail or penitentiary for not less than one day or more than one day for every dollar of such penalty, or by both such fine and imprisonment.

§ 27. **Witnesses not excused from testifying.**—No person shall be excused from testifying in any civil or criminal action or proceeding taken or had under this chapter upon the ground that his testimony might tend to convict him of a crime. But no evidence derived from the examination of such person shall be received against him upon a criminal prosecution. A person called for the people and so testifying shall not thereafter be liable to indictment or conviction for the violation or violations of this chapter respecting which he has so testified; and may plead or prove the giving of such testimony in bar of such an indictment or conviction.

ARTICLE IV.

Private parks.

Section 28. Laying out private parks.

29. Laying out private parks, continued.

30. Notices in private parks.

31. Protection of private lands not parks.

32. Fish and game protected.

32-a. Game and bird refuge.

33. Signs not to be defaced.

§ 28. **Laying out private parks.**—A private park for the propagation and protection of fish, birds or game may be established by an owner or person having the exclusive right to hunt or fish on land or land and water, by publishing once a week for not less than four weeks in a newspaper printed in the county where such land or land and water are situated, a notice substantially describing the same and stating that it will be used as a private park to propagate and protect fish, birds or game. But waters stocked with fish by the state at any time

after April seventeenth, eighteen hundred and ninety-six, shall not be laid out in any such park. If waters in any such park are hereafter stocked by the state with the consent of the owner the provisions of this article shall no longer apply thereto.

§ 29. **Laying out private parks, continued.**—Part of a lake or pond may be laid out in a private park, if all riparian owners, including owners of the bed thereof, consent thereto in writing. If the state of New York be such an owner such consent may be given by the commissioner.

§ 30. **Notices in private parks.**—Notices or signboards not less than one foot square warning all persons against hunting or fishing or trespassing thereon for that purpose, shall be conspicuously posted and maintained on a private park as follows: If it consists entirely of land, not more than forty rods apart along the entire boundary thereof; if it consists of land and water, at least one notice for each one hundred acres thereof; if it consists of a lake or pond only, in at least four conspicuous places on or near the shore thereof; if it consists of a stream only, not more than one-half mile apart on the banks thereof. If a park be fenced, upon part or the whole of the outer boundary thereof, notices shall be placed on or near the fence not more than forty rods apart. It shall also be considered due service of notice for trespass upon any person or persons, by serving them personally in the name of the owner or owners of such private park with a written notice containing a brief description of the premises, warning all persons against hunting or fishing or trespassing thereon.

§ 31. **Protection of private lands not parks.**—An owner or person having the exclusive right to hunt or fish upon inclosed or cultivated lands, or to take fish in a pond or stream, may maintain such notices or signboards upon every fifty acres of the premises sought to be protected upon or near the lot lines thereof, or if waters only, upon or near the shores thereof in at least two conspicuous places, or may personally serve a written notice in the name of such owner or person containing a brief description of the premises warning all persons against hunting or fishing or trespassing thereon for that purpose.

§ 32. **Fish and game protected.**—No person shall take or disturb fish, birds or game on any private park or private lands, or trespass thereon for that purpose, after notice as prescribed in this chapter. A person who violates any provision of this article is guilty of a misdemeanor, and shall be subject to exemplary damages in the sum of twenty-five dollars for each offense or trespass to be recovered by the owner of the lands, or hunting and fishing rights thereon, with costs of suit, in addition to the actual damages, all of which may be recovered in the same action. The consent in writing of such owner to hunt or fish on said lands during the open season shall be a defense to a prosecution under this section.

§ 32-a. **Game and bird refuge.**—The commissioner may, on the request of a majority of the town board of any town, prohibit or regulate the taking of birds or game on lands set aside with the consent of the owner or owners thereof as

bird and game refuges for a period of not to exceed ten years from the date set in the application. At least thirty days before such prohibition or regulation shall take effect a copy of the same shall be filed in the office of the clerk of the town to which the prohibition or regulation applies, and printed copies thereof, at least one foot square, shall be posted along the boundaries of the land affected, not more than fifty rods apart. Whoever shall violate or attempt to violate any such prohibition or regulation is guilty of a misdemeanor and in addition thereto shall be liable to a penalty of one hundred dollars for each violation. (*Added by chap. 657, Laws of 1910.*)

§ 33. Signs not to be defaced.—A person who injures, defaces or removes a notice or signboard placed or maintained pursuant to the provisions of this chapter, is guilty of a misdemeanor, and liable to a penalty of twenty-five dollars.

ARTICLE V.

Forests and public parks.

- Section 34. Forest preserve.
35. Adirondack park.
36. Catskill park.
37. Saint Lawrence reservation.
40. Powers of commissioner.
41. Right of partition.
42. Trespass on forest preserve.
43. Purchases in Adirondack park.
44. Forest purchasing board.

Section 45. Duties.

46. May enter land.
47. State engineer and surveyor to make description of land appropriated.
48. Adjustment of claims for property condemned.
49. Jurisdiction of court of claims.
50. Owner may reserve timber.
51. Reservation of timber restricted.
52. Under reservation of timber, no damages for land taken.
53. Warrants.
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55. Interest.
56. Regulations as to cutting timber.
57. Value of reserved timber.
58. Appraisers.
59. Compensation of employees.
60. Title to lands.
61. Costs and disbursements.
62. Judgments.
64. Service of notice.
65. Court of claims to examine property.
66. Limitations on taking real property.
67. Chief fire warden and foresters.
68. Fire patrol by railroads.
69. Fire districts and fire patrols.
70. Duties of superintendents of fire.
71. Compensation of fire patrolmen and others employed at fires.
72. Railroads in forest lands.
73. Fires to clear land.
74. Forest fires prohibited.
75. Proceeds of actions for forest fires.

Section 75-a. Authority of governor over forests, fish and game of the state.

75-b. Statistics of forest products.

§ 34. **Forest preserve.**—The forest preserve shall include the lands owned or hereafter acquired by the state within the county of Clinton, except the towns of Altona and Dannemora, and the counties of Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, Saint Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except

1. Lands within the limits of any village or city, and

2. Lands not wild lands acquired by the state on foreclosure of mortgages made to loan commissioners.

§ 35. **Adirondack park.**—The Adirondack park shall include all lands now owned or hereafter acquired by the state within the following bounds, to wit: Beginning at the southeast corner of the town of Hope in the county of Hamilton, and running thence westerly along the southerly lines of Hamilton county, and continuing and following the southerly line of the town of Wilmurt, in Herkimer county, to the point of intersection with the westerly line of Herkimer county, and thence northerly along the westerly lines of Herkimer county to its junction with the southwesterly line of Saint Lawrence county; thence westerly along said southwesterly line of Saint Lawrence county to the most westerly corner of township fourteen, great tract three, Maccomb's purchase; thence easterly along the northerly line of said township fourteen to the northeast

corner thereof; thence northerly along the west line of township thirteen, great tract three, Macomb's purchase, to the northwest corner of said township thirteen; thence east along the north line of said township thirteen and the south line of township ten, tract and purchase aforesaid, to the southwest corner of the southeast quarter of said township ten; thence north along the west line of the said southeast quarter of the aforesaid township ten to the north line of said township; thence east along said north line to the west line of township seven, great tract two, Macomb's purchase; thence northerly along the west line of township seven aforesaid to the northwest corner of the township; thence easterly along the northerly lines of townships seven and eight, great tract two, Macomb's purchase, to the southwest corner of township twelve of said great tract two; thence northerly along the west line of township twelve to the northwest corner of lot one in the south half of said township; thence easterly along the north line of said south half of said township twelve to the west line of the county of Franklin; thence north along the west line of the county of Franklin to the northwest corner of the south half of township thirteen of great tract one, Macomb's purchase; thence easterly along the northerly line of the south half of townships thirteen, fourteen and fifteen of said great tract one, Macomb's purchase, to the west line of the old military tract; thence south along said west line to the northwest corner of township ten of said old military tract; thence easterly along the north line of said township ten to the west line of Clinton county; thence southerly along the west line of Clinton county to the north line of Essex

county; thence easterly along the north line of Essex county to the northeast corner of the town of Wilmington; thence along the east and easterly line of the town of Wilmington to the intersection with the north line of the town of Keene; thence east to the northeast corner of said town of Keene; thence southerly along the easterly line of the town of Keene to the southeast corner thereof; thence easterly along the northerly line of the town of North Hudson to the most northeasterly corner of the said town; thence southerly along the easterly lines of the town of North Hudson and Schroon to the southeast corner of the said town of Schroon; thence westerly along the southerly line of the towns of Schroon and Minerva to the northeasterly corner of Leggett's survey of the southwest quarter of township fourteen of Totten and Crossfield's purchase; thence southeasterly along the line of Leggett's survey to the southerly line of said township fourteen; thence southwesterly along the line of Leggett's survey, being the southerly line of said township fourteen, to the most southerly corner of said township; thence southeasterly along the easterly line of township thirteen and the westerly line of township twelve to the southeasterly corner of lot twenty-five of township eleven of said Totten and Crossfield's purchase; thence southwesterly along the southerly line of lots twenty-five, twenty-six, twenty-seven and twenty-eight to the southwesterly corner of said lot twenty-eight; thence southeasterly along the easterly lines of lots forty-four, fifty-three, sixty-eight, seventy-seven and five of said township eleven, and of lots nine, twenty-one, thirty, thirty-seven and forty of the gore between township eleven of Totten and Crossfield's

purchase and the Dartmouth patent and of lots five of ranges six, seven, eight, nine and ten of the Dartmouth patent to the southeasterly corner of lot five of said range six of said patent in Warren county; thence westerly along the southerly line of said range six of said Dartmouth patent to the northeasterly line of Palmer's purchase; thence southeasterly along the easterly line of said Palmer's purchase to the most easterly corner of the middle division of said purchase; thence southwest-erly along the southerly line of the said middle di- vision of Palmer's purchase through Saratoga county to the easterly boundary of the town of Hope in Hamilton county; thence southerly along the east line of the town of Hope to the place of beginning. Such park shall forever be reserved and maintained for the free use of all the people.

§ 36. **Catskill park.**—The Catskill park shall include all lands now owned or hereafter acquired by the state within the following boundaries, to wit: Beginning in Ulster county at the southeasterly corner of great lot five of the Hardenburg patent, thence running northwesterly along the southerly boundary of said great lot five through Sullivan county to the east branch of the Delaware river in Delaware county; thence along the southerly bank of the said east branch of the Delaware river to the Ulster and Delaware railroad at the village of Arkville; thence along the said Ulster and Dela- ware railroad easterly to the line between the counties of Delaware and Ulster; thence north- easterly along that line to the southerly line of Greene county; thence northwesterly along the southerly line of Greene county to the line between

the towns of Halcott and Lexington; thence northerly along the easterly line of the town of Halcott to the line between great lots twenty and twenty-one of the Hardenburg patent; thence northerly along said line to the south bank of the Bataviakill; thence along the southerly bank of the Bataviakill easterly to the west line of the state land tract; thence northerly, easterly and southerly along the line of the said state land tract to the line between the towns of Cairo and Catskill; thence southwesterly along said town line to the easterly line of the town of Hunter; thence southerly along the said easterly line of the town of Hunter to the line of the Hardenburg patent; thence easterly, southerly and westerly along the general easterly line of the Hardenburg patent to the line between the towns of Olive and Rochester of Ulster county; thence easterly on said line to the point where the Metacahonts creek crosses the same flowing easterly; thence southwesterly parallel with the northwesterly line of the town of Rochester to the line between the towns of Rochester and Wawarsing; thence westerly and southerly along the line of the Hardenburg patent to the place of beginning. Such park shall forever be reserved and maintained for the free use of all the people.

§ 37. **Saint Lawrence reservation.**—All that part of the river Saint Lawrence lying and being within the state, with the islands therein, and all that portion of Lake Ontario adjacent to Jefferson county, including Chaumont bay, Griffins bay, Black River bay and Henderson bay, with the islands therein, and such lands along the shore thereof as are now owned by or shall hereafter be

acquired by the state, is continued as an international park which shall be known as the "Saint Lawrence Reservation." (*As am'd by chap. 313, Laws of 1910.*)

§ 40. Powers of commissioner.—The commissioner shall:

1. Have the care, control and supervision of the forest preserve and all public parks described in this article; and make from time to time rules for the use, care and administration thereof and enforce the same; but no such rule shall affect the free use of any road or waterway as the same may have been heretofore lawfully used, or may be reasonably required in the prosecution of lawful business.

2. Lay out roads and paths in such public parks and issue licenses on such terms as he may impose for guides or other persons engaged in business therein.

3. Possess all the powers relating to the forest preserve and the Adirondack park which were vested in the commissioners of the land office and in the comptroller on May fifteenth, eighteen hundred and eighty-five.

4. Make rules for the prevention of forest fires and cause the same to be posted in all proper places throughout the state.

5. Prepare and distribute tracts giving information on the care and renewal of private woodlands, and with the approval of the commissioner of education and the regents of the university, supply to schools, academies and colleges the means of instruction in forestry.

6. Said commissioner may and is hereby given the exclusive power to bring, in the name of the people

of the state, any action or special proceeding in a court of justice or before the comptroller of the state to set aside the cancellation of any sale of land for taxes or to ascertain and determine the title to lands in the Adirondack park or in the forest preserve, claimed by any person or persons, association or corporations adversely to the state, and, if such lands are held or occupied by or under such claimants, to recover the possession thereof; and to demand an accounting and recover damages for any timber cut or moved from any lands involved in any such action, and, if demanded in the complaint, to recover triple damages therefor; and for such purposes may bring any action or special proceeding which an owner of lands would be entitled to bring. Said commissioner may make any demand, tender or offer, before or after commencing any action or special proceeding, deemed necessary or proper for the purpose of entitling it to enforce or defend any right or claim on behalf of the state, and may, in its discretion, settle and compromise any suits and special proceedings authorized by this section and adjust the claims involved therein. Said commissioner may and is hereby given power to bring, in the name of the people of the state, any action or proceeding in a court of justice which an owner of land would be entitled to bring to perfect the state's title or record title to land owned or claimed by it in the forest preserve counties of the state, and any other action or special proceeding with respect to such lands which an owner of lands would be entitled to bring. Said commissioner may employ attorneys and counsel to prosecute any such action or special proceedings, or to defend any such action or special proceeding or

any action or proceeding brought against the commissioner or any of its members, arising out of their official conduct with relation to the forest preserve. The compensation and disbursements of such attorneys and counsel shall be fixed by the commissioner. All such actions shall be brought in the county where the lands are located, and a preliminary or final injunction may, on application in an action brought under this section, be granted restraining any act or trespass, waste or destruction upon any lands within the Adirondack park, or in the forest preserve, claimed or owned by the state, or which may hereafter be acquired by the state. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 41. **Right of partition.**—Whenever the state owns an undivided interest in lands in the forest preserve, or is in possession of such lands as joint tenant in common with another having a freehold estate therein, the attorney-general shall, on the request of the commissioner, bring an action in the name of the people for the actual partition thereof. On the written consent of the commissioner a cotenant may maintain an action for the actual partition of such land, making the state a party defendant, and service of process upon the attorney-general shall be deemed service upon the state. Lands shall not be sold in such an action nor shall costs be allowed against the state. Actual partition of such lands may be made by the commissioner subject to the approval of the comptroller who may, in the name of the people, make any conveyance necessary or proper in such partition. Such conveyances shall be recorded in like manner as conveyances made by commissioners of the land office.

§ 42. Trespass on forest preserve.— Foresters, inspectors, land appraisers, game protectors and fire wardens shall, upon the discovery of a trespass upon the forest preserve, forthwith report the same in writing to the superintendent of forests. They shall have the power to arrest without warrant any person detected in trespassing on lands of the forest preserve, and to take such person immediately before a magistrate having jurisdiction for trial; and they shall report such action to the superintendent of forests. Actions may, on the order of the commissioner, be maintained in the name of the people, through special counsel, whose compensation shall be fixed by the commissioner, to recover damages for trespass or waste on lands in the forest preserve, or to prevent trespass or injury thereto, with relief by temporary or final injunction; or to recover possession of lands belonging to the state within the forest preserve. Moneys recovered in such an action shall be paid to the commissioner, who, after paying the expenses of collection, shall pay to the special game protector or fire warden upon whose information the action was brought fifty dollars, or if the net balance be less than one hundred dollars, one-half thereof. A person who cuts or causes to be cut or carries away or causes to be carried away any tree, timber, wood or bark from state lands in the forest preserve is guilty of a misdemeanor if the value thereof is less than twenty-five dollars; if the value thereof is twenty-five dollars or more such person is guilty of a felony; he shall also be liable to a penalty of ten dollars for each tree cut, taken away or destroyed. The penalty so incurred may be recovered in the action to recover damages for trespass or in a separate action.

§ 43. **Purchases in Adirondack park.**—The commissioner may:

Contract that lands within the Adirondack park not owned by the state shall, in consideration of exemption from taxation for state and county purposes, become public as part of the park in like manner as state lands. Such a contract must provide against the removal of live timber except spruce, tamarack or poplar, more than twelve inches in diameter three feet from the ground, and may reserve to the owner the right to clear not more than one acre within each one hundred acres of land, and may contain such other reservations for occupancy as may be agreed upon. The approval of the commissioners of the land office must appear on any such contract by the certificate of their clerk. Such contract shall be recorded in like manner as conveyances made by commissioners of the land office.

§ 44. **Forest purchasing board.**—The powers, duties and functions formerly by law exercised by and imposed on the forest preserve board are granted to and vested in the forest, fish and game commission. The governor may in his discretion from time to time designate two commissioners of the land office who shall act with the forest, fish and game commissioner in acquiring lands for the state under this chapter. If so designated such commissioners of the land office and the forest, fish and game commissioner shall while such designations are in force constitute a board who shall have the same powers to acquire lands under said chapter that were formerly possessed by the forest preserve board. Lands shall not be purchased or acquired

under sections forty-five to sixty-six except with the consent of the governor.

§ 45. **Duties.**—It shall be the duty of said board and it is hereby authorized to acquire for the state, by purchase or otherwise, land, structures or waters or such portion thereof in the territory embraced in the Adirondack and Catskill parks, as defined and limited by this chapter, as it may deem advisable for the interests of the state.

§ 46. **May enter land.**—Said board may enter on and take possession of any land, structures and waters in the territory embraced in the Adirondack and Catskill parks, the appropriation of which in its judgment shall be necessary for the purposes specified in section thirty-five and section thirty-six of this chapter and in section seven of article seven of the constitution.

§ 47. **State engineer and surveyor to make description of land appropriated.**—Upon the request of said board an accurate description of such lands so to be appropriated shall be made by the state engineer and surveyor, and certified by him to be correct, and said board or a majority thereof shall indorse on such description a certificate stating that the lands described therein have been appropriated by the state for the purpose of making them a part of the Adirondack or Catskill parks; and such description and certificate shall be filed in the office of the secretary of state. Said board shall thereupon serve on the owner of any real property so appropriated a notice of the filing and

the date of filing of such description and containing a general description of the real property belonging to such owner which has been so appropriated; and from the time of such service, the entry upon and appropriation by the state of the real property described in such notice for the uses and purposes above specified shall be deemed complete, and thereupon such property shall be deemed and be the property of the state. Such notice shall be conclusive evidence of an entry and appropriation by the state. Said board may cause duplicates of such notice with an affidavit of due service thereof on such owner to be recorded in the books used for recording deeds in the office of the clerk of any county of this state where any of the property described therein may be situated, and the record of such notice and of such proof of service shall be evidence of the due service thereof.

§ 48. Adjustment of claims for property condemned.—Claims for the value of the property taken and for damages caused by any such appropriation may be adjusted by said board if the amount thereof can be agreed upon with the owners of the land appropriated. The board may enter into an agreement with the owner of any land so taken and appropriated, for the value thereof, and for any damages resulting from such appropriation. Upon making such agreement the board shall deliver to the owner a certificate stating the amount due to him on account of such appropriation of his lands, and a duplicate of such certificate shall also be delivered to the comptroller. The amount so fixed shall be paid by the treasurer upon the warrant of the comptroller.

§ 49. **Jurisdiction of court of claims.**—If said board is unable to agree with the owner for the value of property so taken or appropriated, or on the amount of damages resulting therefrom, such owner, within two years after the service upon him of the notice of appropriation as above specified, may present to the court of claims a claim for the value of such land and for such damages, and the court of claims shall have jurisdiction to hear and determine such claim and render judgment thereon. Upon filing in the office of the comptroller a certified copy of the final judgment of the court of claims, and a certificate of the attorney-general that no appeal from such judgment has been or will be taken by the state, or, if an appeal has been taken, a certified copy of the final judgment of the appellate court, affirming in whole or part the judgment of the court of claims, the comptroller shall issue his warrant for the payment of the amount due the claimant by such judgment, with interest from the date of the judgment until the thirtieth day after the entry of such final judgment, and such amount shall be paid by the treasurer.

§ 50. **Owner may reserve timber.**—The owner of land to be taken under this article may at his option within the limitations hereinafter prescribed, reserve the spruce timber thereon ten inches or more in diameter at a height of three feet above the ground. Such option must be exercised within six months after the service upon him of a notice of the appropriation of such land by said board, by serving upon such board a written notice that he elects to reserve the spruce timber

thereon. If such notice be not served by the owner within the time above specified he shall be deemed to have waived his right to such reservation and such timber shall thereupon become and be the property of the state. Land acquired by purchase may be taken subject to the reservation of the soft timber thereon down to eight inches in diameter on the stump with the right to remove the same, or subject to any lease, mortgage, or other incumbrance not extending ten years beyond date of purchase upon agreement between the board and the owner. The amount or value of any such lien, incumbrance or timber right upon land so purchased, shall be deducted from the purchase price thereof. The presentation of a claim to the court of claims before the service of a notice of reservation, shall be deemed a waiver of the right to such reservation.

§ 51. **Reservation of timber restricted.**—The reservation of timber and the manner of exercising and consummating such right are subject to the following restrictions, limitations and conditions:

1. The reservation does not include or affect timber within twenty rods of a lake, pond or river and such timber can not be reserved. Roads may be cut or built across or through such reserved space of twenty rods under the supervision of said board for the purpose of removing spruce timber from adjoining land, and the reservation of spruce timber within such space shall be deemed a reservation by the owner, his assignee or representative of the right to cut other timber necessary in constructing such road, but such reservation does not confer a right to remove such other timber so cut, or to use it otherwise than in constructing a road.

2. The timber reserved must be removed from the land within ten years after the service of notice of reservation or the making of an agreement subject to the regulations to be prescribed by said board; but such land shall not be cut over more than once, and said board may prescribe regulations for the purpose of enforcing this limitation. All timber reserved and not removed from the land within such time shall thereupon become and be the property of the state, and all the title or claim thereto by the original owner, his assigns or representatives, shall thereupon be deemed abandoned.

§ 52. Under reservation of timber, no damages for land taken.—A person who reserves timber as herein provided is not entitled to any compensation for the value of his land purchased or taken and appropriated by the state, or for any damages caused thereby, until:

1. The timber so reserved is all removed and the object of the reservation fully consummated; or

2. The time limited for the removal of such timber has fully lapsed, or the right to remove any more timber is waived by a written instrument filed with said board; and

3. Said board is satisfied that no trespass on state lands has been committed by such owner or his assigns or representatives; that no timber or other property of the state not so reserved has been taken, removed, destroyed or injured by him or them, and that a cause of action in behalf of the state does not exist against him or them for any alleged trespass or other injury to the property or interests of the state; and

4. That the owner, his assignee or other representative has fully complied with all rules, regulations and requirements of said board concerning the use of streams or other property of the state for the purpose of removing such timber. Provided, however, that said board may at any time by its certificate filed with the comptroller direct the payment to the owner of such land, his legal representatives or assigns, of the compensation therefor, or a part thereof, at such time, and upon such conditions as may be set forth in the certificate.

§ 53. Warrants.—A warrant shall not be drawn by the comptroller for the amount of compensation agreed upon between the owner and said board, nor for the amount of a judgment rendered by the court of claims, until a further certificate by the board is filed with him to the effect that the owner has not reserved any timber or that he, his assignee or other representative has complied with the provisions of this article, or has otherwise become entitled to receive the amount of the purchase price, award or judgment.

§ 54. Adjustment of claims for trespass or other injuries.—Said board may settle and adjust any claims for damages due to the state on account of any trespasses or other injuries to property or interests of the state, or penalties incurred by reason of such trespasses or otherwise, and the amount of such damages or penalties so adjusted shall be deducted from the original compensation agreed to be paid for the land, or for damages, or from a judgment rendered by the court of

claims on account of the appropriation of such land. A judgment recovered by the state for such a trespass or for a penalty shall likewise be deducted from the amount of such compensation or judgment.

§ 55. **Interest.**—If timber is reserved upon land purchased or appropriated as provided by this article, interest is not payable upon the purchase price or the compensation which may be awarded for the value of such land or for damages caused by such appropriation, except as provided in section forty-nine.

§ 56. **Regulations as to cutting timber.**—Persons entitled to cut and remove timber under this article may use streams or other waters belonging to the state within the forest preserve for the purpose of removing such timber, under such regulations and conditions as may be prescribed or imposed by said board. The persons using such waters shall be liable for all damages caused by such use. Every person who shall, within the forest preserve counties of the state, cut or cause to be cut, or allow to be cut any coniferous trees for sale or other purposes, shall cut off or lop or cause to be cut off or lopped from the said trees, at the time of cutting the said trees, all the limbs or branches thereof, unless the said trees be cut for sale and use with the branches thereon, or for use with the branches thereon. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than twenty-five dollars or shall be imprisoned for not more than thirty days, or both, for each

offense, and in addition thereto shall be liable to a penalty of two dollars for each and every coniferous tree felled from which he shall neglect to cut or lop off the branches. (*As am'd by chap. 474, Laws of 1909.*)

§ 57. **Value of reserved timber.**—If timber be reserved, its value at the time of making an agreement between the owner and said board for the value of the land so appropriated and the damages caused thereby, or at the time of the presentation to the court of claims of a claim for such value and damages, shall be taken into consideration in determining the compensation to be awarded to the owner on account of such appropriation either by such agreement or by the judgment rendered upon such a claim.

§ 58. **Appraisers.**—Said board may appoint appraisers to examine the lands offered for sale to the state and ascertain the value of such lands and the timber thereon, and report to the board.

§ 59. **Compensation of employees.**—Said board shall fix the compensation of all clerks, appraisers or their assistants employed by it, which compensation shall be paid by the treasurer, upon the certificate of the board and the audit and warrant of the comptroller. A person so appointed may be removed at the pleasure of the board.

§ 60. **Title to lands.**—Said board shall take such measures as may be necessary or proper to perfect the title to any lands in the forest preserve now held by the state, and for that purpose may

pay and discharge any valid lien or incumbrance upon such land, or may acquire any outstanding or apparent right, title, claim or interest which, in its judgment, constitutes a cloud on such title. The amounts necessary for the purposes of this section shall be paid by the treasurer upon the certificate of the board and the audit and warrant of the comptroller together with the expenses of such examination.

§ 61. **Costs and disbursements.**—If an offer is made by said board for the value of land appropriated, or for damages caused by such appropriation, and such offer is not accepted, and the recovery in the court of claims exceeds the offer, the claimant is entitled to costs and disbursements as in an action in the supreme court, which shall be allowed and taxed by the court of claims and included in its judgment. If in such a case the recovery in the court of claims does not exceed the offer, costs and disbursements to be taxed shall be awarded in favor of the state against the claimant and deducted from the amount awarded to him, or if no amount is awarded judgment shall be entered in favor of the state against the claimant for such costs and disbursements. If an offer is not accepted, it can not be given in evidence on the trial.

§ 62. **Judgments.**—When a judgment for damages is rendered for the appropriation of any lands or waters for the purposes specified in this article, and it appears that there is any lien or incumbrance upon the property so appropriated, the amount of such lien shall be stated in the judgment, and the comptroller may deposit the amount awarded to

the claimant in any bank in which moneys belonging to the state may be deposited, to the account of such judgment, to be paid and distributed to the persons entitled to the same as directed by the judgment.

§ 64. **Service of notice.**— Service of a notice by said board under section forty-seven must be personal if the person to be served can be found in the state. The provisions of the code of civil procedure relating to the service of a summons in an action in the supreme court, except as to publication, apply, so far as practicable, to the service of such a notice. If a person to be served can not with due diligence be found in the state, a justice of the supreme court may, by order, direct the manner of such service, and service shall be made accordingly.

§ 65. **Court of claims to examine property.**— The court of claims, if requested by the claimant or the attorney-general, shall examine the real property affected by the claim of damages for the appropriation thereof and take the testimony in relation thereto in the county where such property or a part thereof is situated. The actual and necessary expenses of each judge and of each officer of the court in making such examination and in so taking testimony shall be audited by the comptroller and paid from the money appropriated for the purposes of this article.

§ 66. **Limitations on taking real property.**— The power to appropriate real property, vested in said board by section forty-seven, is subject to the

following limitations: Such real property must adjoin land already owned or appropriated by the state at the time the description and certificate are filed in the office of the secretary of state, except that timber land not so adjoining state land may be appropriated whenever in the judgment of the board timber thereon other than spruce, pine or hemlock is being cut or removed to the detriment of the forest, or the interests of the state.

§ 67. Auditor of fire accounts and fire inspectors.—The commissioner may appoint an auditor of fire bills and accounts, who shall receive an annual salary of eighteen hundred dollars a year and his necessary traveling expenses, and who shall audit fire bills when reported to the commissioner, as hereinafter provided, and perform such other acts as the commissioner may from time to time direct. The person now chief fire warden is hereby transferred to the position of auditor of fire accounts. The commissioner may also appoint fire inspectors, at least four of whom may, during seasons of the year when forest fires occur, serve along lines of steam railroads in the forest preserve counties of the Adirondacks. They shall inspect such railroads and the engines thereon, reporting to the commissioner, the condition thereof for the purposes of fire prevention, and perform such other duties in preventing forest fires and protecting the forest and reforestation as the superintendent of forests or the commissioner shall direct. They shall also have the powers of game protectors, and shall each receive an annual salary of nine hundred dollars and an allowance for expenses not exceeding five hundred dollars. (*As am'd by chap. 474, Laws of 1909.*)

§ 68. **Fire patrol by railroads.**—All railroads operated through forests in the forest preserve counties of the state shall at their own expense organize and maintain a competent and efficient fire patrol to protect the forests from fires which may be set or occur by sparks or coals from railroad engines upon or adjacent to the rights of way or lands of such railroads, and unless otherwise directed by the commissioner such patrol shall be maintained continuously from April first to November first of each year. If such railroads do not organize and maintain such fire patrols, or if in the judgment of the commissioner they do not organize and maintain fire patrols which are adequate and sufficient to protect and save the forests from fires which may be set or occur upon or adjacent to rights of way or lands of such railroads, then the commissioner shall organize and maintain such fire patrol in such manner and under such rules and regulations as he shall from time to time deem proper. Game protectors may, so far as public interest will permit, be detailed by the commissioner to act as such patrols. The persons placed upon patrol of railroad lines and lands and railroad rights of way, and lands and ways adjacent thereto, as herein provided, shall be transported without charge from point to point, as their duties shall require, by the railroads along whose lines such fire patrol is being maintained. The commissioner shall keep, or cause to be kept, an account of the cost of organizing and maintaining such fire patrol along the line of any such railroad, including therein the salaries, expenses and wages of public officers or employees engaged in organizing and maintaining such fire patrol, and the total cost thereof shall be paid to the commis-

sioner by the railroad along whose line or lands or rights of way such patrol is maintained, such payment to be made on the first day of December of each year. Any person employed upon fire patrol of such railroads shall immediately report to the commissioner, upon blanks to be furnished by him, every fire started upon the line of the railroad or ways or lands adjacent thereto, within his line of patrol, which runs off the railroad's right of way or lands to other lands, setting forth the origin of such fire and the quantity and quality of the land burned over, and if the fire was started by a locomotive he shall give the number thereof. Such report shall be verified by the person making it and if he be unable to state or ascertain the origin of such fire he shall in his report make oath of such fact. Any person so employed who fails to make such report immediately shall be liable to a penalty of twenty-five dollars, and if he make a false report he shall be guilty of a felony and be punishable therefor. (*As am'd by chap. 474, Laws of 1909.*)

§ 69. **Fire districts and fire patrols.**—For the prevention and fighting of forest fires, the commissioner shall, from time to time, make and enforce such rules and regulations as may be necessary and proper for the government and direction of the fire patrol system provided for in this act. Within sixty days after this act shall take effect the commissioner shall divide lands which are in the forest preserve counties of the state into suitable and convenient fire districts not exceeding five in number; he may immediately thereafter, for each such fire district, appoint a superintendent of fires who shall act during the pleasure of the commissioner at an annual salary

of fifteen hundred dollars and necessary traveling expenses. The commissioner may from time to time transfer such superintendents from one fire district to another. In every town the supervisor shall be a member of the fire patrol by virtue of his office, and shall at all times co-operate with and carry out the directions, rules and regulations of the commissioner in preventing and fighting forest fires. If the supervisor be absent when the fire occurs the commissioner or any superintendent of fires may call upon and compel any member of the town board of the supervisor's town to act in place of and for such absent supervisor. The commissioner may formulate and enforce rules and regulations for the organization and maintenance of local fire companies to prevent and fight forest fires in the forest preserve counties of the state, and he may engage such men for that purpose as may be necessary. He shall, when necessary, provide all proper fire-prevention and fire-fighting apparatus and establish observation stations and employ men to attend them. He shall also, when necessary, provide fire signals and adopt a fire signal code for use therewith, and provide such other means of communication as shall be necessary in the public interest to prevent and fight forest fires. He may cause trails to be cut, ditches to be dug and barriers to be erected in the forest of such forest preserve counties as may, in his judgment, be necessary to enable all persons quickly to reach the location of fires and to prevent and fight the fires. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 70. **Duties of superintendents of fire.**— Under the directions of the commissioner the superin-

tendents of fire are charged with preventing and extinguishing forest fires in their respective fire districts and the performance of such other acts as may be required by the commissioner. With the approval of the commissioner each superintendent of fire shall divide his fire district into separate fire patrol districts and subdivide them from time to time as the public interest requires. During seasons of drought, or during other times when forest fires are liable to be set or spread, or at any time when fires threaten the forests, the superintendent for each fire district, upon obtaining the approval of the commissioner therefor, shall employ a suitable person to be known as a fire patrolman permanently to remain upon and patrol one or more of such fire patrol districts as long as may be required, and to prevent and extinguish any fires which may be started thereon. Each such fire patrolman so employed shall be supplied with necessary tents or camps, fire-fighting implements, food and cooking utensils. All fire patrolmen so employed shall be furnished with a copy of the rules and regulations adopted by the commissioner for preventing and fighting forest fires, and shall at all times strictly observe and comply with these rules and regulations. When forest fires are actually burning or threatening to burn, the commissioner, and in and during his absence, the superintendents of fires may employ a foreman to direct the work of each crew of men who are actually engaged in fighting forest fires. The commissioner and the superintendents of fires, and if they are absent and fires are actually burning in the forest, the fire patrolmen and supervisors may hire horses and incur other necessary expenses and summon any male person of the age

of eighteen years and upwards to assist in stopping and putting out fires. Any person summoned who is physically able and refuses to assist, shall be liable to a penalty of twenty dollars. An action for trespass shall not lie against persons crossing or working upon lands of another to prevent or fight fires. The superintendents of fires and fire patrolmen are hereby vested with all the powers of game protectors as defined by section fourteen, article two, part one hereof, and game protectors may be appointed as superintendents of fire or fire patrolmen. Each fire patrolman shall make a report to the superintendent of fires of the district in which he is employed, of every fire which is started or burns upon his fire patrol district, stating the cause or source of such fire, the amount and quality of the land burned over and the means used for fighting the fire. The superintendents of fires shall transmit all such reports to the commissioner, and shall also report all other fires of which they have personal knowledge, giving the particulars thereof as is required from the fire patrolmen. All men employed under the provisions of sections sixty-eight, sixty-nine and seventy of this article shall as emergency employees be exempt from the provisions of the civil service laws of this state. (*As am'd by chap. 474, Laws of 1909.*)

§ 71. Compensation of fire patrolmen and others employed at fires.— Fire patrolmen shall be paid for the time they are actually employed on patrol duty at a compensation fixed by the commissioner, which shall not exceed the rate of seventy-five dollars per month for the number of days while actually employed. If a patrolman fails

to remain continuously upon and patrol the fire patrol district allotted to him or is negligent in performing his duties upon such patrol the commissioner may as a penalty therefor reduce the compensation of the patrolman by one-half. All costs and expenses incurred by the commissioner and his appointees, including patrolmen, and authorized by the foregoing sections numbered sixty-nine and seventy, shall be and are hereby made a state charge, and shall be paid by the state on the approval of the commissioner, except the wages and expenses and keeping of supervisors and men summoned or employed to fight forest fires actually burning which shall be paid as hereinafter provided. The wages and expenses and keeping of supervisors and men summoned or employed to fight forest fires actually burning shall be fixed and paid for by the commissioner, and the labor reckoned and paid for by the hours of labor performed, which shall not exceed the rate of fifteen cents for each hour employed. The commissioner shall keep, or cause to be kept, an accurate account of the wages of men so employed and the expenses and the keeping of the men and pay the same; one-half the expense thereof shall be a charge upon and shall be paid by the state, and one-half thereof a charge upon and shall be paid by the town in which the men so employed were actually engaged in fighting fires. On or before November tenth of each year the commissioner shall transmit to the county clerk of each of the forest preserve counties in which a forest fire has occurred during the current year a summary statement of the amount due the state on account of such fires from any town or towns in said county. The county clerk shall

immediately deliver such statement to the board of supervisors of said county who shall thereupon levy the amount due from each such town to the state upon the taxable property of such town by including the amount thereof in the sums to be raised and collected in the next levy and assessment of taxes therein, and shall be collected as other town charges are collected and by the towns paid over to the commissioner on or before May first following the levy thereof. If any person incurs expense in preventing or fighting forest fires, the commissioner may upon satisfactory proof thereof being made to him audit and pay the whole or any part thereof as the public interest requires and half to be rebated by the town as hereinafter provided. (*As am'd by chap. 474, Laws of 1909.*)

§ 72. **Railroads in forest lands.**—Every railroad company shall, on such part of its road as passes through forest lands or lands subject to fires from any cause, cut and remove from its right of way along such lands, at least twice a year, all grass, brush or other inflammable materials. Where the railroad runs through forest lands in counties containing part of the forest preserve, it shall so cut and remove the same from its right of way whenever required by the commissioner; employ in seasons of drought and before vegetation has revived in the spring, sufficient trackmen to promptly put out fires on its right of way; provide locomotives thereon with netting of steel or iron wire so constructed as to give the best practicable protection against the escape of fire and sparks from the smoke stacks thereof and adequate devices to prevent the escape of fire from ash pans and furnaces

which shall be used on such locomotives. The public service commission must upon the request of the forest, fish and game commissioner, and on notice to the person or companies affected, require any person, railroad or other company having a railroad running through forest lands in counties containing parts of the forest preserve, to adopt such devices and precautions against setting fire upon its line in such forest lands as the public interest requires. No railroad company or employee thereof shall deposit fire coals or ashes on its track or right of way near such lands. In case of fire on its own or neighboring lands, the railroad company shall use all practicable means to put it out. Engineers, conductors or trainmen discovering or knowing of fires in fences or other material along or near the right of way of the railroad in such lands, shall report the same at the first station to the station agent, and such station agent shall forthwith notify the nearest fire warden or game protector thereof, and use all necessary means to extinguish the same. Any person, railroad or other company failing or neglecting to comply with any of the provisions of this section, or any order of the public service commission made pursuant to the provisions of this section, shall be liable to a penalty of one hundred dollars for each day that it continues a violation thereof, and any officer or employee of a railroad or other company violating any provisions of this section or neglecting to comply with any requirement of the public service commission duly ordered, shall be liable to a penalty of one hundred dollars for every such violation. The supreme court may on notice to the

persons or corporations affected enforce compliance with any such order of the public service commission. (*As am'd by chap. 476, Laws of 1910.*)

§ 73. **Fires to clear land.**—Fallows, stumps, logs, brush, dry grass or fallen timber shall not be burned in the territory hereinafter described from April twenty-first to May thirty-first, both inclusive, or from September sixteenth to November tenth, both inclusive. From June first to September fifteenth, both inclusive, such fires may be set therein if written permission of the superintendents, fire patrol or supervisor of the town or district in which the fire is set has been first obtained. If in a locality near forest or woodland, the superintendents, fire patrol or supervisor shall be personally present when the fire is started. Such fires shall not be started during a heavy wind or without sufficient help present to control the same, and the same shall be watched by the person setting the fire until put out. Any person violating any provisions of this section is guilty of a misdemeanor, and in addition thereto is liable to a penalty of not less than fifty dollars nor more than three hundred dollars. This section applies to Hamilton county; to the towns of Altona, Au Sable, Black Brook, Dannemora, Ellenburg and Saranac, Clinton county; to the towns of Andes, Colchester, Hancock and Middletown, Delaware county; the towns of Chesterfield, Elizabethtown, Jay, Keene, Lewis, Minerva, Moriah, Newcomb, North Elba, North Hudson, Saint Armand, Schroon and Wilmington, Essex county; the towns of Altamont, Belmont,

Brighton, Duane, Franklin, Harrietstown, Santa Clara and Waverly, Franklin county; the towns of Bleecker, Caroga, Mayfield and Stratford, Fulton county; the towns of Hunter, Jewett, Lexington and Windham, Greene county; the towns of Ohio, Russia, Salisbury, Webb and Wilmurt, Herkimer county; the towns of Croghan, Diana, Greig, Lyonsdale and Watson, Lewis county; the towns of Forestport and Remsen, Oneida county; the towns of Corinth, Day, Edinburg and Hadley, Saratoga county; the towns of Clare, Clifton, Colton, Fine, Parishville, Piercefield, Pitcairn, Saint Lawrence county; the towns of Neversink and Rockland, Sullivan county; the towns of Denning, Hardenburg, Olive, Rochester, Shandaken, Shawangunk, Wawarsing and Woodstock, Ulster county; the towns of Bolton, Caldwell, Chester, Hague, Horicon, Johnsburgh, Luzerne, Stony Creek, Thurman and Warrensburg, Warren county; the towns of Dresden, Fort Ann and Putnam, Washington county. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 74. **Forest fires prohibited.**—Any person who sets fire to waste or forest lands in the forest preserve counties of the state, except as provided by section seventy-three, or who negligently suffers a fire to extend from his own lands to any other lands, is punishable, on conviction, under section fourteen hundred and twenty-one or section nineteen hundred of the penal law as the case may be. Such person shall also be liable to the state for damages caused by such wrongful act and to a penalty of ten dollars for each and every tree so

killed or destroyed, which penalty may be recovered in the action to recover damages or in a separate action and shall also be liable to any municipality, corporation, or person for any damages caused by such wrongful act, and the person so injured may at his option sue for and recover damages, or damages at the rate of one dollar for each tree killed. Damages to state lands shall be ascertained and determined by the value of the timber thereon, taken at the value the said timber would have if the said lands were owned by private individuals. The fact that any fire started on or extended over from lands or rights of way owned or leased or used by any railroad company or by any other person using, manufacturing or producing any coal, wood, oil or other fuel or any inflammable material thereon for other than domestic purposes, shall be prima facie evidence that the said fire was set or started thereon or suffered to extend therefrom by the wilful negligence of the said person. If state lands in the forest preserve be damaged as aforesaid, an action to recover the damages and penalties as aforesaid shall be maintained in the name of the people, on the order of the commissioner by counsel designated by him, and recovery shall be had therefor. Any moneys necessarily expended by the state, municipality, or other person, in fighting fires upon waste or forest lands in the forest preserve counties of the state may be sued for by the state, municipality, or person expending the moneys and recovered from the person causing the fires as single damages in addition to the damage or damages at the rate of one dollar and in addition to the penalty or penalties of ten

dollars for each tree killed, provided for as aforesaid. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 75. Proceeds of actions for forest fires.—Moneys received in the name of the people for violations of sections thirty-three, seventy-two, seventy-three and seventy-four of this chapter shall be paid to the commissioner, who shall apply so much thereof as may be necessary to the payment of the expenses of collections and shall pay one-half of the balance, not exceeding in any one case fifty dollars, to the special game protector, fire warden or district fire warden upon whose information the action was brought. The balance of such receipt shall be available for enforcing the various provisions of law for the protection of forests against fire.

§ 75-a. Whenever by reason of drought or other cause, it shall be dangerous to the forests of the state, or for other reason contrary to the public interest, for any person or persons to enter any portion of the lands within the forest preserve counties of the state for the purpose of camping out or of taking fish, fowl, birds or quadrupeds therein, or for any person or persons being already within the forest preserve counties of the state to take fish, fowl, birds or quadrupeds therein, the governor shall have authority to determine, and shall determine and declare, that it is dangerous to the forests of the state or contrary to the public interest for any person or persons to enter any portion of the lands within the forest preserve counties of the state for the purpose of camping

out or of taking fish, fowl, birds or quadrupeds therein, or for any person or persons being already within the forest preserve counties of the state to take fish, fowl, birds or quadrupeds therein, and upon such determination and declaration, the governor shall have authority to forbid, and shall forbid by proclamation, any person or persons from entering the said lands for such purposes, and any person or persons being already therein from taking fish, fowl, birds or quadrupeds therein. But the governor must state in such proclamation the reason or reasons why he has so determined that such acts would be dangerous to the forests or contrary to the public interest, and he must, in such proclamation, limit the time during which such entry and such acts shall be prohibited. And the governor shall have the right to extend the time for taking fowl or birds or quadrupeds to a time equivalent to the time during which the said entry and acts were forbidden. The governor must also, in such proclamation, order that it be published, and direct the manner in which it shall be published, so as to give wide notice of its contents. Any person or persons violating the provisions of such proclamation shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of one hundred dollars or shall be imprisoned for not more than thirty days, or both, for each offense, in addition to the penalties hereinbefore provided for taking fish, fowl, birds or quadrupeds in the closed season. The said proclamation shall be published by the commissioner in such manner as shall be ordered and directed by the governor. (*Added by chap. 474, Laws of 1909.*)

§ 75-b. **Statistics of forest products.**—The superintendent of forests shall annually report to the commission the amount of the lumber manufactured and wood used for commercial purposes from timber grown in the state. It shall be the duty of all consumers of round timber or wood for paper, pulp or mechanical purposes to furnish information to the commission annually when called upon to do so, in relation to the extent of their use of timber and wood on blanks to be furnished by the commissioner. Any such consumer who neglects or refuses to furnish such information within ten days after request by the superintendent of forests so to do shall be liable to a penalty of one hundred dollars, to be collected and used in the same manner as other penalties imposed by this act. (*Added by chap. 474, Laws of 1909.*)

ARTICLE VI.

Quadrupeds.

- Section 76. Deer; open season.
77. Possession of deer or venison.
 78. Transportation.
 79. Hounding; dogs to be killed.
 80. Wild moose, elk, caribou and antelope.
 81. Black and gray squirrels.
 82. Hares and rabbits.
 83. Beaver; close season.
 84. Mink, skunk, muskrat and sable.
 85. Land turtles.
 86. Penalties.

§ 76. **Deer; open season.**—The open season for all deer shall be from September sixteenth to October thirty-first, both inclusive, in wholly in-

closed deer parks and in the counties of Clinton, Dutchess, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Oneida, Saratoga, Saint Lawrence, Warren and Washington, except in all that portion of Oneida, Lewis and Jefferson counties lying westerly of the Utica and Black River railroad from Utica to Ogdensburg where there shall be no open season. The open season for deer in Ulster county and the towns of Cohecton, Tusten, Highland, Lumberland, Forestburg and Bethel and in all that section of the towns of Mamakating and Thompson lying south of the Newburgh and Cohocton turnpike in Sullivan county and the town of Deer Park in Orange county shall be from October sixteenth to October thirty-first, both inclusive. Deer shall not be taken at any other time or possessed except as provided by sections seventy-seven and seventy-eight. There shall be no open season for deer elsewhere in the state, except on Long Island as hereinafter provided. No person shall take more than two deer in an open season. No person shall take any wild deer between sunset and sunrise. No wild deer shall be taken while in water. Deer may be taken alive at any time by the commission to restock the state's deer parks or to exchange for elk or moose. Fawns in the spotted or red coat shall not be taken nor shall any part thereof be possessed at any time. No traps, saltlick or other device to entrap or entice deer shall be made, set or used, nor shall deer be taken by aid or use thereof. No jack light or other artificial light shall be used in taking deer. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 77. **Possession of deer or venison.**—Deer or venison may be possessed or sold from September sixteenth to November fifth, both inclusive. Possession of deer or venison from midnight of October thirty-first to midnight of November fifth shall be presumptive evidence that the same was unlawfully taken by the possessor. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 78. **Transportation.**—Deer or venison killed in this state shall not be transported from or through any county, or possessed for that purpose, except as follows: One carcass or a part thereof at one time may be transported from the county where killed when accompanied by the owner. No person shall transport or accompany more than two deer in any year under this section. Deer or venison killed in this state may be *accompanied by a common carrier for transportation from September sixteenth to November first, both inclusive, but if possession is obtained for transportation after September fifteenth and before midnight of November first, it may, when accompanied by the owner lawfully remain in the possession of such common carrier the additional time necessary to deliver the same to its destination. Possession of deer or venison by a common carrier, or by any person in its employ while engaged in the business of such common carrier, unaccompanied by the owner shall constitute a violation of this section by such common carrier. This section does not apply to the head, feet or skin of deer legally taken if carried separately, nor shall it apply to domesti-

* So in original.

cated deer propagated in wholly inclosed deer parks, when shipments made from such parks are accompanied by a permit issued by the forest, fish and game commission under conditions prescribed by the commissioner. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 79. **Hounding; dogs to be killed.**—Deer shall not be hunted, pursued or killed with any dog or bitch. Dogs shall not be permitted by the owner or persons harboring the same to run at large in or to be taken into forests inhabited by deer or kept or possessed in the Adirondack park. If any dog or bitch be in the forest preserve or found hunting, pursuing or killing deer or running at large in forests inhabited by deer, it shall be presumptive evidence of a violation of this section by the person owning, using, having or harboring such dog or bitch. Any person may, and it shall be the duty of every game protector to kill any dog or bitch found in the Adirondack park or in a deer forest, or pursuing deer and no action for damages shall be maintained against a person for such killing. No dog or bitch shall be taken into or harbored in any hunting or lumber camp within the forest preserve.

§ 80. **Wild moose, elk, caribou and antelope.**—There shall be no open season for wild moose, elk, caribou or antelope, but they may be brought into the state for breeding purposes. The flesh or any portion of any such animal shall not be possessed, sold or transported at any time unless the animal was killed without the state or by the owner thereof in a private park within the state during the open season for deer. Possession thereof during such

open season shall be presumptive evidence that it was unlawfully taken by the possessor. The forest, fish and game commission may acquire by gift, purchase or capture, a sufficient number of wild moose and elk to stock the Adirondack region, and may care for, herd and yard the same temporarily, and liberate them in such region, at such times and places as it deems most conducive to their probable subsistence and increase.

§ 81. **Black and gray squirrels.**—The open season for black and gray squirrels shall be from October first to November thirtieth, both inclusive. They shall not be taken, possessed or sold at any other time. In Richmond and Niagara counties there shall be no open season for black and gray squirrels. (*As am'd by chap. 657, Laws of 1910.*)

§ 82. **Hares and rabbits.**—The open season for hares and rabbits shall be from October first to February fifteenth, both inclusive, except in Fulton county, where the open season shall be from October first to January fifteenth, both inclusive. Hares and rabbits native in this state shall not be taken, possessed or sold at any other time. No person shall take more than ten hares or rabbits in any one day. Nothing in this section shall prevent the owner or occupant of inclosed or occupied farm lands or their employees from taking hares and rabbits on such owner's or occupant's premises at any time to prevent their injuring property. There shall be no close season for Belgian hares, jack rabbits or rabbits bred in captivity. (*As am'd by chaps. 240 and 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 83. **Beaver; close season.**— There shall be no open season for beaver. No person shall take, trap, or snare in any manner, any beaver, or have in his possession any beaver, so taken, trapped or snared. No person shall molest or disturb any wild beaver or the dams, houses, homes or abiding places of same. The forest, fish and game commission may acquire by gift, purchase or capture a sufficient number of wild beaver to restock the Adirondack region, and may care for the same temporarily and liberate them in such region and at such time and places as it deems most conducive to their subsistence and increase.

§ 84. **Mink, skunk, muskrat and sable.**— The open season for mink, skunk, martin or sable shall be from November first to March fifteenth, both inclusive. The open season for muskrat shall be from November first to April fifteenth, both inclusive. They shall not be possessed or killed at any other time. Muskrat houses shall not be injured or destroyed at any time. Nothing in this section shall prohibit the taking or killing at any time of skunks which are injuring property or which have become a nuisance. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 85. **Land turtles.**— Taking, killing or exposing for sale of all land turtles or tortoises, including the box turtle and the wood turtle, is hereby prohibited.

§ 86. **Penalties.**— A person who violates any provision of this article is guilty of a misdemeanor,

and in addition thereto, is liable as follows: For each violation of section seventy-six to eighty, both inclusive, to a penalty of one hundred dollars, and for each deer, elk, caribou, antelope, or part of any such animal taken or possessed in violation of any provision of any of said sections, an additional penalty of one hundred dollars; for each wild moose or part of such animal taken or possessed in violation of any provision of said sections, an additional penalty of two hundred and fifty dollars; for each violation of section eighty-one, to a penalty of twenty-five dollars and for each squirrel or part thereof taken or possessed in violation of said section, an additional penalty of ten dollars; for each violation of section eighty-two, a penalty of twenty-five dollars, and for each rabbit taken or possessed in violation of such section, an additional penalty of ten dollars; for each beaver taken in violation of section eighty-three to a penalty of one hundred dollars; for each violation of section eighty-four, to a penalty of twenty-five dollars; and for each violation of section eighty-five to a penalty of ten dollars. A person convicted of a misdemeanor for a violation of section eighty of this article shall be punished by imprisonment for a term of not less than three months nor more than one year.

ARTICLE VII.

Birds.

- Section 87. Wild fowl; open season.
88. Manner of killing.
89. Quail; open season.
90. Woodcock; open season.
91. Grouse; open season.

- Section 92. Grouse, woodcock and quail not to be bought or sold.
93. Woodcock, grouse and quail not to be possessed.
94. Woodcock, grouse and quail not to be transported.
95. Plover and other birds; open season.
96. Mongolian ring-necked and English or other pheasants.
97. Antwerp or homing pigeons.
98. Certain wild birds protected.
99. Destroying or robbing nests.
100. No snares, nets or traps.
101. Certificate to collect for scientific purposes.
102. Taking game in Westchester county.
103. Birds and game not to be transported.
104. Hunting license.
105. Penalties.

§ 87. Wild fowl; open season.— Ducks, geese, brant and swan may be taken from September sixteenth to January tenth, both inclusive, and possessed from September sixteenth to January fifteenth, both inclusive; they shall not be taken in the night after sunset until sunrise; they shall not be taken or possessed at any other time. There shall be no open season at any time for wood duck. Ducks, geese, brant and swan taken without the state may be sold or offered for sale within the state between January tenth and March first, provided the person who sells or offers the same for sale shall have given to the commissioner a bond to the people of the state, as hereinafter provided, approved by him as to form, amount and suf-

iciency of sureties. Such bond shall be conditioned that such person shall not have in his possession or sell between January tenth and March first of each year, ducks, geese, brant and swan taken within this state, and shall contain such other provisions as to inspection of ducks, geese, brant and swan possessed by him, evidence that the same were taken without the state, by way of bill of sale, way bill or otherwise, and generally such requirements as the commissioner may deem necessary to secure the enforcement of this section. Ducks, geese, brant and swan taken without the state shall not be possessed or sold under the provisions of this section unless the person who possesses, sells or offers for sale ducks, geese, brant and swan taken without the state shall have given to the commissioner the bond as hereinbefore provided. Possession of ducks, geese, brant and swan by any person shall be presumptive evidence that they were taken in this state, provided that such presumption shall not attach to the possession between January tenth and March first of ducks, geese, brant and swan by any person who shall have given to the commissioner the bond, as hereinbefore provided, so long as the same shall remain in force; nor shall such presumption attach to possession of ducks, geese, brant and swan by any person purchasing the same for consumption from a person whose bond is in force as aforesaid. But no presumption that ducks, geese, brant or swan are possessed free from the presumption that they were taken in this state, as herein provided, shall arise in any action or legal proceeding until it affirmatively appears that the provisions of this

section have been complied with. Any person violating the provisions of such bond shall be denied the privilege of giving another bond under this section. (*As am'd by chap. 657, Laws of 1910.*)

§ 88. **Manner of killing.**—Ducks, geese, brant and swan shall not be taken except with a gun fired at arm's length without rest. They shall not be pursued by nor fired at from any sailboat or powerboat, nor from any boughouse or floating device used to conceal the hunter if more than fifty feet from shore, or a natural growth of flags. Fowl taken in violation of law shall not be brought ashore, sold or possessed. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 89. **Quail; open season.**—The open season for quail shall be from November first to November thirtieth, both inclusive; they shall not be taken or possessed at any other time, except as provided by sections ninety-two and ninety-three of this chapter. No person shall take more than thirty-six quail in an open season, nor more than six in one day. There shall be no open season for quail in Dutchess, Westchester, Putnam and Rockland counties until nineteen hundred and ten.

§ 90. **Woodcock; open season.**—Woodcock may be taken from October first to November thirtieth, both inclusive; they shall not be taken or possessed at any other time except as provided by sections ninety-two and ninety-three of this chapter; no person shall take more than thirty-six woodcock in an open season, nor more than six in one day.

§ 91. **Grouse; open season.**—The open season for grouse shall be from October first to November thirtieth, both inclusive; they shall not be taken or possessed at any other time except as provided by section ninety-two of this chapter. No person shall take more than twenty grouse in an open season, nor more than four in one day. There shall be no open season for grouse in the counties of Putnam, Rockland, and Westchester until nineteen hundred and ten. There shall be no open season for Hungarian or European grey legged partridge. (*As am'd by chap. 474, Laws of 1909.*)

§ 92. **Grouse, woodcock and quail not to be bought or sold.**—Grouse, woodcock and quail taken in this state shall not be bought, sold or offered for sale within this state, or carried without the state, nor shall grouse, woodcock or quail taken without the state be bought, sold or offered for sale within the state unless the person who offers for sale or sells grouse, woodcock or quail taken without the state shall have given to the commissioner a bond to the people of the state, as hereinafter provided, approved by him as to form, amount and sufficiency of sureties. Such bond shall be conditioned that such person shall not have in his possession or buy or sell, grouse, woodcock or quail taken in this state, and shall contain such other provisions as to inspection of grouse, woodcock or quail possessed by him, evidence that the same were taken without the state, by way of bill of sale, waybill or otherwise, and generally such requirements as the commissioner may deem necessary to secure the enforcement of this section. Possession of grouse, woodcock or

quail by any person shall be presumptive evidence that they were taken in this state, provided that such presumption shall not attach to the possession of grouse, woodcock or quail by any person who shall have given to the commissioner the bond, as hereinbefore provided, so long as the same shall be in force; nor shall such presumption attach to possession of grouse, woodcock or quail by any person purchasing the same for consumption from a person whose bond is in force as aforesaid. But no presumption that grouse, woodcock or quail are possessed free from the presumption that they were taken in this state, as herein provided, shall arise in any action or legal proceeding until it affirmatively appears that the provisions of this section have been complied with. Any person violating the provisions of such bond shall be denied the privilege of giving another bond under this section. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 93. **Woodcock, grouse and quail not to be possessed.**—Woodcock, grouse and quail shall not be sold or possessed during the close season, except in the month of December and first two days of January, and possession or sale thereof during December and the first two days in January, shall be presumptive evidence that they were unlawfully taken by the possessor. There shall be no open season for grouse and quail in Dutchess county prior to October first, nineteen hundred and thirteen, but woodcock may be taken and possessed during the open season as provided by section ninety of the forest, fish and game law. (*As am'd by chaps. 657 and 664, Laws of 1910.*)

§ 94. **Woodcock, grouse and quail not to be transported.**—Woodcock, grouse and quail shall not be transported within this state or into the state from a point without the state less than twenty-five miles from the state line, unless accompanied by the actual owner thereof, and no person shall transport or accompany more than twenty grouse, thirty-six woodcock or thirty-six quail in any calendar year, or more than four grouse, six woodcock or six quail at one time. Possession thereof by an individual, a common carrier, or employee of a common carrier, at the time actually engaged in the business of such common carrier, unaccompanied by the actual owner thereof, shall constitute a violation of this section by such individual, common carrier or employee. No common carrier or person in its employ shall transport such birds as owner.

§ 95. **Plover and other birds; open season.**—Wilson, called English snipe, yellow legs, rail, mudhen, gallinule, surfbirds, curlew, water chicken, jack-snipe, baysnipe, shore birds or plover may be taken from September sixteenth to December thirty-first, both inclusive. They shall not be taken or possessed at any other time.

§ 96. **Mongolian ring-necked and English or other pheasants.**—There shall be no open season for Mongolian ring-necked, English or other pheasants, nor shall the same be killed or possessed, except in the counties of Fulton, Livingston, Monroe, Ontario, Orleans, Wayne, Suffolk, Seneca, Niagara, Yates, Cayuga, Erie, Genesee, Oswego, Wyoming and Dutchess, prior to October, nineteen hundred and fourteen; provided, however, that in the coun-

ties of Livingston, Monroe, Ontario, Orleans, Seneca, Niagara, Yates, Cayuga, Erie, Genesee, Oswego, Wyoming and Wayne the cock or male of said pheasants may be taken on Thursdays and Saturdays in the month of October, and possessed during said month of October, but the burden of proof shall be on the possessor to show that the same were legally taken in accordance with the provisions of this section, and the said pheasants shall not be sold or offered for sale at any time, nor shall any person kill, take or possess more than three of said pheasants in any one year; and it is further provided that pheasants bred or purchased and liberated in Suffolk, Dutchess and Fulton counties, by the game clubs and private owners, may be possessed in Greater New York for consumption but not for sale. Mongolian ring-necked, English or other pheasants may be taken or possessed in the counties of Suffolk and Dutchess from November first to December thirty-first, and in Fulton county, from September sixteenth to November thirtieth, both inclusive. They shall not be taken or possessed at any other time. In nineteen hundred and fourteen, the open season in counties now closed shall be as it now is in Livingston county. (*As am'd by chap. 657, Laws of 1910.*)

§ 97. **Antwerp or homing pigeons.**— No person shall take or interfere with any Antwerp or homing pigeon if it have the name of its owner stamped upon its wing or tail, or wear a ring or seamless leg band with its registered number stamped thereon, or have any other distinguishing mark; nor shall any person remove any such distinguishing mark from any such pigeon.

§ 98. **Certain wild birds protected.**— Wild birds other than the English sparrow, crow, hawk, crow-blackbird, snow-owl, great horned owl and king fisher shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate issued under this chapter. No part of the plumage, skin or body of any bird protected by this section* *or of any birds coming from without the state whether belonging to the same or a different species from that native to the state of New York, provided such birds belong to the same family as those protected by this chapter* shall be sold or had in possession for sale. The provision of this section shall not apply to game birds for which an open season is provided in this chapter; excepting that quail, English pheasants and Hungarian partridges shall not be taken at any time in Richmond county prior to the year nineteen hundred and fourteen. (*As am'd by chap. 474, Laws of 1909, and chap. 256, Laws of 1910.*)

§ 99. **Destroying or robbing nests.**— Nests of wild birds other than the English sparrow, crow, hawk, crow-blackbird, snow-owl, great horned owl and king fisher shall not be robbed or wilfully destroyed, except when necessary to protect buildings or prevent their defacement.

§ 100. **No snares, nets or traps.**— No wild bird or bird for which a close season is provided, shall be trapped, netted or snared, or if so taken possessed. No net, trap or snare for taking grouse or quail, shall be set, placed or used where such birds

* The provision in italics in Sec. 98 is not to take effect until July 1, 1911.

can be taken. Any such net, trap or snare is declared to be a public nuisance, and may be summarily abated and destroyed by any person and it shall be the duty of every protector to seize and destroy any such device.

§ 101. **Certificate to collect for scientific purposes.**—A certificate may be issued by the commission, to any person upwards of eighteen years of age, permitting the holder thereof to collect birds, birds' nests or eggs for scientific purposes. Before such certificate is issued, the applicant must file written testimonials from two well-known scientific ornithologists certifying to his good character and fitness to be intrusted with the privilege. Every applicant except an officer of the New York state museum, must pay one dollar for the expense of issuing the certificate and must file a bond in the penal sum of two hundred dollars with two responsible sureties, **to be approved** by the commission, conditioned that he will not violate the provisions of this chapter or avail himself of the privileges of said certificate for other than scientific purposes. Persons receiving such certificate must report the result of collections made thereunder annually to the commissioner, at the expiration of the license. Such a certificate shall be in force for one year only from the date of issue and shall not be transferable.

§ 102. **Taking game in Westchester county.**—Game shall not be taken in a public highway, or on the lands of a railway or lands purchased or condemned for the Croton aqueduct within the county of Westchester.

§ 103. **Birds and game not to be transported.**—Birds or quadrupeds or parts thereof, game, except fish taken in this state, shall not except as herein provided and as provided in section one hundred and four, be transported without the state; nor shall the same be taken or possessed with intent to transport the same without the state. Any person doing any act with reference to such birds or game or in aid of such taking or transportation shall be deemed to have violated this section. No person shall at any time transport any birds or fish for which a close season is provided in any package unless the kind and number of such birds or fish shall be plainly marked on the outside of said package, together with the names of consignor and consignee, the initial point of billing and the destination. The reception by any person or common carrier within this state, of any such bird or birds or fish for shipment in an unmarked package shall constitute a violation of this section by such person or common carrier. This section does not apply to fish taken or produced without the state, provided, the same shall be transported within the state from points not less than fifty miles from the state line, nor does it apply to the head, feet or skin of deer when severed from the carcass, or to quadrupeds named in section eighty-four of this act. (*As am'd by chap. 657, Laws of 1910.*)

§ 104. **Hunting license.**—No person or persons shall at any time hunt, pursue or kill with a gun any of the wild animals, fowl or birds that are protected during any part of the year. or use a gun for hunting except as herein provided without first having procured a license so to do and then only

during the respective periods of the year when it shall be lawful. Said license shall be procured from any county, city or town clerk in the following manner, to wit: The applicant shall fill out a blank application to be furnished by the commissioner through the clerk of each county, city and town, stating name, age, occupation and place of residence of applicant, also whether a citizen of the United States or an alien and such other facts or description as may be required by the commissioner. Said application shall be subscribed and sworn to by the applicant before any officer authorized to administer oaths in the state of New York, and said applicant, if a nonresident of the state, an unnaturalized person, or an alien, shall pay to the clerk countersigning and delivering the license the sum of twenty dollars, together with the sum of fifty cents as a fee to the clerk, and, if a resident of the state, shall pay to the clerk countersigning and issuing the license the sum of one dollar as a license fee, together with the sum of ten cents as the fee of the county, city or town clerk for issuing such license, which said license shall bear the signature of the commissioner, and the seal of the county, city or town in which the same is issued and be countersigned by the said clerk. The license fees above provided for shall be remitted by the city and town clerks on the first Tuesday of each month to the county clerk of the county, and such fees together with those received by the county clerk for issuing licenses from his office shall be remitted to the commissioner on the second Tuesday of each month with a schedule setting forth the name and residence of each licensee and the amount paid, and shall by him be remitted to the state treasurer as are fines and

penalties. Every license issued shall be signed by the licensee in ink, as aforesaid, and shall entitle the person to whom issued to hunt, pursue and kill game animals, fowl and birds within the state at any time when or place where it shall be lawful to hunt, pursue and kill such game animals, fowl and birds, and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game animals, fowl and birds in this state unless at the time of such hunting, pursuing or killing, he or she shall have such license on his or her person, and shall exhibit the same for inspection to any protector or other officer or other person requesting to see the same, and such license shall be void after the thirty-first day of December next succeeding its issuance; provided, that the owner or owners of farm land, and their immediate family or families occupying and cultivating the same, or the lessee or lessees thereof and their immediate family or families who are actually occupying and cultivating the same, shall have the right to hunt and kill game on the farm land of which he or they are the bona fide owners or lessees during the season when it is lawful to kill game without procuring such resident license. Any person who shall at any time alter or change in any material manner or loan or transfer to another, any license issued as aforesaid, shall be deemed guilty of a forgery, and, on conviction thereof, shall be subject to the penalties provided for the commission of forgery: All prosecutions for a violation of the provisions of this chapter relating to licenses may be brought by any person in the name of the people of the state of New York against any person or persons violating any of the provisions of this chapter, so far as it relates to

licenses, before any court of competent jurisdiction; and it is hereby made the duty of all district attorneys to see that the provisions of this section are enforced in their respective counties, and said district attorneys shall prosecute all offenders on receiving information of the violation of any of the provisions of this section; and it is hereby made the duty of all sheriffs, deputy sheriffs, constables and police officers to inform against and prosecute all persons who, there is reasonable cause to believe, are guilty of violating any of the provisions of this section. Nothing herein shall prevent the commissioner from prosecuting persons for violation of this section. All moneys recovered in any penal action under this chapter, in so far as it relates to licenses, shall be remitted by the person or court recovering the same to the commissioner; one-half of the amount recovered in any penal action under this section, in so far as it relates to licenses, after all disbursements and expenses in relation to the same, including attorney fees, shall have been paid, shall be paid to the person filing the complaint in such action by the state treasurer on approval of the commissioner, unless such person is a regular game protector. All bills for costs, disbursements and attorney's fees in any action or proceeding under this chapter relating to licenses shall be duly verified, presented to the commissioner, audited by said commissioner and paid on his approval by the state treasurer to the person entitled to the same. The form of the license shall be determined and the license blank prepared by the commissioner, and by him furnished through the county clerks of the several counties of the state to the city and town clerks. Each nonresident license shall have at-

tached one coupon permitting the transportation out of the state of one deer or parts thereof under conditions to be prescribed by the commission. At the end of each season for hunting, the city and town clerks shall detach the stubs of licenses issued and forward the same securely attached to a report of the number issued and the amount of license money received to the county clerk of the county, whose duty it shall be to see that proper returns are made to him by all city and town clerks in his county, and to return to the commissioner all such stubs and reports with a final report recapitulating and tabulating the total number of licenses of both kinds issued in his county in the calendar year. The county clerk shall be reimbursed by the state for postage and expressage used in distributing licenses to city and town clerks and for his monthly reports required to be made to the commissioner; his bills therefor shall be presented, audited and paid as herein provided for other payments.

§ 105. **Penalties.**—A person who violates or fails to perform any duty imposed by any of the provisions of this article is guilty of a misdemeanor, unless otherwise provided, and is liable to a penalty of sixty dollars and an additional penalty of twenty-five dollars for each bird, or quadruped or part of bird or quadruped bought, sold, offered for sale, taken, possessed, transported or had in possession for transportation in violation thereof. A nonresident or alien who violates any of the provisions of section one hundred and four is guilty of a misdemeanor and is liable to a penalty of one hundred dollars for each violation thereof. (*As am'd by chap. 657, Laws of 1910.*)

ARTICLE VIII.

Fish, General Provisions.

- Section 106. Trout; open season.
107. Trout; not disturbed while spawning.
108. Waters inhabited by trout.
109. Lake trout and whitefish; open season.
110. Certain fish not to be transported.
111. Private waters not to be stocked from streams.
112. No fishing through ice.
113. (Repealed.)
114. Certain fish not to be placed in the Adirondacks.
115. Black bass; open season; size and catch.
116. Black bass; special.
117. Pickerel and pike.
118. Maskalonge; open season.
119. Salt water striped bass.
120. Sturgeon; required length of.
121. No fishing near fishways.
122. Tip-ups.
123. Eel weirs and eel pots.
124. Taking minnows for bait.
125. Fish taken by angling; meshes of nets.
126. Frostfish and whitefish taken with nets.
127. Nets to be licensed.
128. Thumping.
129. Carp not to be placed in certain waters.
130. Taking fish in Lake Champlain; regulations.
131. Polluting streams.
132. Polluting of water used by state fish hatcheries.

- Section 133. Drawing off water forbidden.
134. Streams not to be obstructed.
135. Explosives prohibited.
136. Acquisition of land and water for propagation of fish.
137. State engineer and surveyor to make description of land and water appropriated.
138. Service of notice.
139. Adjustment of claims by agreement.
140. When claims may be presented to court of claims.
141. Net to be destroyed by game protectors.
142. Seizure of nets; expenses; regulations in certain counties.
143. Penalties.

§ 106. **Trout; open season.**—The open season for trout shall be from April sixteenth to August thirty-first, both inclusive, except in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Saint Lawrence, Warren and Washington and in that portion of Herkimer county north of the Mohawk river, where the season shall be from May first to August thirty-first, both inclusive, and except in Allegany, Cattaraugus, Chautauqua, Cortland, Livingston, Tioga and Wyoming counties where the open season shall be from April sixteenth to July fifteenth, both inclusive, and except in the Genesee river in the county of Allegany, in Spring brook in the county of Livingston, in the west branch of the Oatka creek in the town of Gainesville in the county of Wyoming, and in that part of Cattaraugus creek which is in the counties of

Cattaraugus and Chautauqua where the open season shall be from April sixteenth to August thirty-first, both inclusive, and in the county of Chenango where the open season shall be from April sixteenth to July thirty-first, both inclusive. Trout shall not be taken or possessed at any other time, nor shall trout taken in any of the waters of the state be sold or offered for sale. Trout less than six inches in length shall not be taken or possessed. This section shall not apply to private hatcheries in sale of trout, or for propagation. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 107. **Trout; not disturbed while spawning.**— Trout and lake trout on spawning beds in the close season shall not be disturbed, nor shall their spawn or milt be taken from the spawning beds.

§ 108. **Waters inhabited by trout.**— Fish shall not be taken in fresh waters inhabited by trout, except by angling.

§ 109. **Lake trout and whitefish, open season.**— The open season for lake trout and whitefish shall be from May first to August thirty-first, both inclusive, except in Lakes Erie and Ontario, where the open season for lake trout and whitefish shall be from January first to October thirty-first, both inclusive; and except in the counties of Ulster, Sullivan, Orange, Rockland, Westchester and Richmond, where the open season for lake trout shall be from May first to June thirtieth, both inclusive, and except in Lake Keuka, where the open season for lake trout shall be from April sixteenth to August thirty-first, both inclusive. Lake trout

less than fifteen inches in length shall not be taken or possessed. Whitefish less than two pounds in the round shall not be taken from any of the waters of the state or possessed at any time. Lake trout or whitefish shall not be taken or possessed at any other time, except in Owasco, Skaneateles and Keuka lakes when the open season for lake trout shall be from April sixteenth to October thirty-first, both inclusive, provided that during the close season any person may buy, possess or sell lake trout or whitefish taken without the state if such person will at all times permit the commission or any member or officer thereof a full examination of his books and papers relating to the purchase and sale of fish, and will, when required by the commission, furnish the original invoice or invoices, freight or express receipts used in the transportation thereof. (*As am'd by chap. 474, Laws of 1909 and chaps. 657 and 663, Laws of 1910.*)

§ 110. **Certain fish not to be transported.**—Lake trout taken in inland waters and trout shall not be transported in this state except when accompanied by the actual owner. No person shall take or transport at any one time more than twenty-five pounds of lake trout, nor more than ten pounds of trout. Possession of lake trout or trout by a common carrier or employee thereof, while actually engaged in the business of such common carrier, unaccompanied by the actual owner, shall constitute a violation of this section by such employee and common carrier. This article shall not apply to private hatcheries but all shipments from private hatcheries must be accompanied by a permit issued by the forest, fish and game commission.

§ 111. **Private waters not to be stocked from streams.**— Trout or lake trout shall not be taken from any of the waters of the state for the purpose of stocking private ponds or streams. Provided, however, that any person desirous of aiding the state in the propagation and distribution of trout may, on the approval of the commissioner, take trout or spawn from public waters for breeding purposes. Trout or spawn so taken shall be returned to public waters of the state. Before permission is given, or trout taken as herein provided, the applicant shall show conclusively that he has facilities for breeding trout, and must execute a satisfactory bond to the people of the state, to be approved by the commissioner, conditioned that he will not sell, give away, convert to his own use, or otherwise dispose of any trout or spawn taken under said permit, and will return the adult and young trout to public waters at such times and places as the commissioner may designate.

§ 112. **No fishing through ice.**— Fish shall not be taken through the ice in waters inhabited by trout or lake trout, during the close season therefor. This section shall not apply to Lakes Ontario and Erie or to the Hudson, Niagara and Saint Lawrence rivers.

§ 113. (*Repealed by chap. 474, Laws of 1909.*)

§ 114. **Certain fish not to be placed in Adirondacks.**— Fish, or fry spawn or milt thereof, other than trout, lake trout and Adirondack frostfish, shall not be placed in the waters of the Adirondack region except under the supervision of the commissioner and pursuant to his order.

§ 115. Black bass; open season; size and catch.—The open season for black bass shall be from June sixteenth to December thirty-first, both inclusive. They shall not be taken or possessed at any other time. Black bass less than ten inches in length shall not be taken. Small-mouth black bass less than twelve inches in length shall not be taken in the waters of Putnam county. No person shall take more than twenty-four black bass in one day. Whenever two or more persons are angling from the same boat, they shall not take more than thirty-six bass in one day. Black bass shall not be possessed in any county during the season that is closed throughout the entire county, or when they are unlawfully taken. Bass shall not be taken in any manner, except by angling, in any of the waters of this state, nor shall bass so taken in any of the waters of the state be sold or offered for sale. (*As am'd by chap. 657, Laws of 1910.*)

§ 116. Black bass; special.—Black bass shall not be taken from the waters of Orange lake in Orange county after sunset or before sunrise, and no fish of any kind shall be taken from the waters of said lake between the first day of March and the fifteenth day of June, both inclusive. No person shall take more than twelve black bass in the Saint Lawrence river in one day, and whenever two or more persons are angling from the same boat, they shall not take more than twenty-four bass in one day.

§ 117. Pickerel and pike.—The open season for pike and pickerel shall be from May first to the last day of February, both inclusive, except there shall be no closed season for blue pike in Lake Erie.

Pike and pickerel shall not be taken or possessed at any other time, provided that during the close season any person may buy, possess or sell pickerel or pike taken without the state if such person will at all times permit the commission or any member or officer thereof to have an examination of his books and papers relating to the purchase and sale of fish, and will when required by the commission furnish the original invoice or invoices, freight or express receipts used in the transportation thereof. The commission may permit the taking or destruction of pickerel at any time in waters inhabited by trout. Wall-eyed and yellow pike, less than ten inches in length, shall not be taken or possessed. (*As am'd by chap. 474, Laws of 1909.*)

§ 118. **Maskalonge; open season.**—The open season for maskalonge shall be from June first to the last day of February, both inclusive; they shall not be taken or possessed at any other time except in the counties of Chautauqua and Cattaraugus as hereafter provided. Maskalonge less than twenty-four inches in length shall not be taken or possessed.

§ 119. **Salt-water striped bass.**—Salt-water striped bass less than eight inches in length shall not be intentionally taken or possessed at any time. Striped bass shall not be intentionally taken from the Hudson river by a net between April thirtieth and July thirtieth, both inclusive. If taken in either case, the same shall be immediately returned to the water where taken.

§ 120. **Sturgeon; required length of.**—Sturgeon less than three feet long shall not be intentionally taken, or possessed.

§ 121. **No fishing near fishways.**— The commission shall maintain fifty rods from every fishway erected by the state in public waters on both sides of the stream above and below the fishway, sign boards containing substantially the following notice: "Fifty rods to the fishway; all persons are prohibited by law from fishing in this stream between this point and the fishway." No person shall take fish within fifty rods of any such fishway.

§ 122. **Tip-ups.**— Bullheads, catfish, eels, perch, sunfish, and, except during the months of March and April, pike and pickerel may be taken through the ice with a hook and line or tip-ups in waters not inhabited by trout. But no person shall operate or control at the same time more than five tip-ups, except in Honeoye lake, Canadice lake and Conesus lake, and Oneida lake, where fifteen may be used, and such person shall at all times said lines are set be personally present and have personal supervision and control over the same. (*As am'd by chap. 657, Laws of 1910.*)

§ 123. **Eel weirs and eel pots.**— Eel weirs the laths of which are not less than one inch apart, may be maintained in waters not inhabited by trout, other than the tributaries of the Chemung river in the counties of Steuben and Chemung, the waters of Cayuga county, the Delaware river, the Chenango river in Broome county, provided there be at low water a clear passage in the said weir not less than ten feet wide for the passage of boats and fish. In the Susquehanna river eel weirs may be maintained, provided there be at low water a clear passage on one side of said weir not less

than thirty feet wide, twenty feet of which shall have a depth of at least eighteen inches, for the passage of boats and fish, and such weirs shall have stakes only at the mouth and outlet of the rock and the outlet of the weir. Eel pots of such form as may be prescribed by rules of the commission may be used in waters not inhabited by trout or lake trout. Every person maintaining an eel weir or eel pot in any of the waters of this state shall first obtain from the forest, fish and game commission a license to maintain the same, to be approved by the commission, conditioned for the payment to the people of the state of fifty dollars if the holder thereof violates any of the provisions of this section or any of the regulations contained in the license while such license is in force. The use of eel weirs and eel pots except as expressly permitted by law is prohibited. (*As am'd by chap. 657, Laws of 1910.*)

§ 124. **Taking minnows for bait.**—Minnows shall not be taken with a net or seine for bait from any of the waters of the state without a license. The commissioner may grant a license for a net to take minnows for bait in waters not inhabited by trout. Such a license can be granted only upon the payment of a license fee to be prescribed by the commission and the execution of a bond by the owner of the net, to be approved by the commission, conditioned for the payment to the people of the state of one hundred dollars if the holder thereof violates any of the provisions of this section or any of the regulations contained in the license while the license is in force. The license

must specify the waters in which the net may be used, and may contain regulations for the protection of fish. Black bass, maskalonge, whitefish, pickerel or pike taken in a net used under this section shall be immediately returned to the water uninjured. Minnows shall not be taken within one hundred feet of any dock, pier, or boat landing structure along the Saint Lawrence river without the consent of the owner of the land on which the same is built. The provisions for licensing nets in this section shall not apply to minnow nets less than four feet in diameter. (*As am'd by chap. 474, Laws 1909.*)

§ 125. **Fish taken by angling, meshes of nets.**— Except as permitted by this chapter, fish shall not be taken by any device except angling in any of the rivers, lakes and inland waters of the state. When permitted the meshes of nets used shall not be less than one and one-eighth inch bar, except in Lake Erie, where they shall not be less than one and three-eighths inch bar, and except nets for taking minnows as herein provided.

§ 126. **Frostfish and whitefish taken with nets.**— Frostfish, whitefish, catfish, sunfish, pumpkin seeds, bullheads, perch, suckers and sturgeon may be taken with nets from inland lakes not inhabited by trout pursuant to rules prescribed by the commission. The commission may make rules under which by paying a license sturgeon may be taken by setlines and trap lines. Such rules shall be subject to amendment or abrogation at any time and may be either general or special, and published as the commission directs. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 127. **Nets to be licensed.**— Rules regulating the use of seines, fykes, pounds, traps and other nets, in the waters of the state, and providing for the licensing of such nets, may from time to time be prescribed by the commission, when not inconsistent with law, and such rules shall be filed in the office of the secretary of state. Until amended or superseded, as herein authorized, the rules as filed in the office of the secretary of state in the years eighteen hundred and ninety-five and eighteen hundred and ninety-eight are continued in force. Nets shall not be set or used without a license granted by the commission.

§ 128. **Thumping.**— Sailing, rowing, pushing, or floating in any boat or vessel in a waterway, river, run or channel, or patrolling the banks of such waterway, river, run or channel, and stamping, jumping, shouting, pounding, beating or splashing the water, beating or pounding the banks, or boat, while a seine or net is set, drawn, held or used in such waterway, river, run or channel, with intent to drive fish into such seine, or net, which acts are commonly known as thumping, are hereby forbidden.

§ 129. **Carp not to be placed in certain waters.**— No person shall put or place in the waters of Conesus lake, Keuka lake and Hemlock lake, in the counties of Livingston, Yates and Steuben, in Nassau lake in Rensselaer county, or in any waters inhabited by trout or bass any fish commonly known as carp, nor shall any person put or place in such waters the spawn of such fish, or use such fish as bait in the waters thereof.

§ 130. **Taking fish in Lake Champlain; regulations.**—No fish shall be taken through the ice in the waters of Lake Champlain less than six inches in length. This section shall not apply to game fish for which there is a close season.

§ 131. **Polluting streams.**—No dyestuffs, coal tar, refuse from a gas house, sawdust, shavings, tanbark, lime or other deleterious or poisonous substance shall be thrown or allowed to run into any waters, either private or public, in quantities injurious to fish life inhabiting the same or injurious to the propagation of fish therein.

§ 132. **Polluting of waters used by state fish hatcheries.**—No person shall erect or maintain any privy, water-closets, pigsty, hogpen, inclosure for poultry, barn or barnyard in which animals or poultry are kept, or drain from any building or the cellar thereof, where drainage or refuse therefrom will flow into or find its way into water used by any fish hatchery operated by the state, or into any pond, creek or stream used in connection therewith. Every such privy, water-closet, pigsty, hogpen, inclosure, barn, barnyard and drain is hereby declared to be a public nuisance and may be summarily abated by the commission. No person shall place sewage or other matter injurious to fish where the same can find its way into water used by any fish hatchery operated by the state, or suffer the same to be done from, over or through premises owned or occupied by him.

§ 133. **Drawing off water forbidden.**—Fish shall not be taken by shutting or drawing off water for

that purpose. But the commission may permit owners or persons in charge of private ponds, reservoirs or waters of the state, to remove therefrom carp, pickerel or other fish by any device.

§ 134. Streams not to be obstructed.— Except as provided in section one hundred and twenty-three, or as directed by the commissioner, no person shall by means of any rack, screen, weir or other obstruction in any creek, stream or river, prevent the passage of fish protected by law. (*As am'd by chap. 474, Laws of 1909.*)

§ 135. Explosives prohibited.— Fish shall not be taken by means of explosives. Except for mining or mechanical purposes, dynamite or other explosive shall not be used in any of the waters of this state, or possessed upon the shores or islands of the waters thereof. Possession thereof by any person on the shores or islands of the waters of this state shall be presumptive evidence that the same is possessed for use in violation of the provisions of this section. (*As am'd by chap. 657, Laws of 1910.*)

§ 136. Acquisition of land and water for propagation of fish.— The forest, fish and game commissioner may enter on and take possession of any land and water that in his judgment is necessary for the purposes of artificial propagation of food and game fish for restocking the public waters of the state.

§ 137. State engineer and surveyor to make description of land and water appropriated.— Upon the request of the said commissioner, an accurate

description of such lands and waters so entered and appropriated, shall be made by the state engineer and surveyor and certified by him to be correct, and the said commissioner shall indorse on such description a certificate stating that the lands and waters described therein have been appropriated by the state for fish hatchery purposes. Such description and certificate shall be filed in the office of the clerk of the county where the land and water covered thereby are located.

§ 138. **Service of notice.**—The said commissioner shall thereupon cause a duplicate of said description and certificate, with notice of the date of filing thereof in said county clerk's office, to be served on the owner or owners of the land and water appropriated; and from the time of such service the entry upon, and appropriation by the people of the state of the property described in such notice, shall be deemed complete and the said property be deemed owned by the state. Service of the notice by the said commissioner must be personal if the person to be served can be found in the state. The provisions of the code of civil procedure relating to the service of a summons in an action in the supreme court, except as to publication, apply, so far as practicable, to the service of such a notice. If a person to be served cannot with due diligence be found in the state, a justice of the supreme court may, by order, direct the manner of such service, and service shall be made accordingly. The county clerk shall upon receipt of proof of due service upon the owner of said duplicate description, certificate and notice of filing, record the same in the books for recording deeds of real estate.

§ 139. Adjustment of claims by agreement.— Claims for the value of the property taken by any such appropriation may be adjusted by the commissioner, if the amount thereof can be agreed upon with the owner or owners thereof. The amount so fixed shall be paid out of any funds appropriated for fish hatchery purposes, by the treasurer upon the warrant of the comptroller.

§ 140. When claims may be presented to court of claims.— If the commissioner and the owner or owners are unable to agree upon the value of the property appropriated, within two years after the service of notice of appropriation as above specified, any such owner may present to the court of claims a claim for the value of such land and the said court shall have jurisdiction to hear and determine such claim and render judgment. Upon filing in the office of the said commissioner and of the comptroller a certified copy of the final judgment of the court of claims, and a certificate of the attorney-general that no appeal from such judgment has been or will be taken by the state, or if an appeal has been taken a certified copy of the final judgment of the appellate court, affirming in whole or in part the judgment of the court of claims, the comptroller shall issue his warrant for the payment of the amount due the claimant by such judgment, with interest from the date of the judgment until the thirtieth day after the entry of such final judgment, and such amount shall be paid by the treasurer.

§ 141. Nets to be destroyed by game protectors.— Nets, seines, pounds or other devices not author-

ized by law, had, set or used in or upon any of the waters or shores thereof or islands of this state are hereby declared to be public nuisances and shall be summarily seized, abated and destroyed by any game protector, or may be by a private person; provided, however, that the forest, fish and game commissioner may direct a game protector to retain certain nets or seines for the use of the state hatcheries. No action for damages shall be maintained for such seizure, retention or destruction.

§ 142. **Seizure of nets; expenses; regulations in certain counties.**—The reasonable expense of the seizure, removal or destruction of any net, pound or other illegal device shall be a county charge against the county in which the same shall be seized, and shall be audited and paid as a county charge on verified statement of the game protector making the seizure, stating the time and place of such destruction, the name of the person or persons employed, the time spent and money paid, if any, therein. The board of supervisors of any county may by resolution make such further regulation as to establishing and destroying the same as they deem proper.

§ 143. **Penalties.**—A person who violates any of the provisions of this article is guilty of a misdemeanor and in addition thereto is liable as follows: For each violation of section one hundred and eight in relation to waters inhabited by trout, of section one hundred and nine in relation to the taking and possession of lake trout, section one hundred and twenty-five relating to the taking of fish by any device other than angling, a penalty of sixty

dollars and an additional penalty of ten dollars for each fish taken or possessed in violation thereof; of sections one hundred thirty-one and one hundred thirty-two in relation to polluting streams, section one hundred thirty-three relating to drawing of water, section one hundred and thirty-five in relation to explosives, he shall be liable to imprisonment for not exceeding one year and in addition thereto, is liable to a penalty of five hundred dollars and an additional penalty of ten dollars for each fish taken or possessed, bought or sold in violation thereof; section one hundred and ten in relation to transportation of fish, section one hundred and twenty-eight in relation to thumping, and section one hundred and twenty-nine relative to carp in Conesus and Hemlock lakes in the county of Livingston, a penalty of sixty dollars; for all other violations of said article, a penalty of twenty-five dollars and an additional penalty of ten dollars for each fish taken or possessed in violation thereof. (*As am'd by chap. 657, Laws of 1910.*)

ARTICLE IX.

Fish, Local Provisions.

- Section 144. Fishing in Niagara river.
145. Nets in Lakes Ontario and Erie.
146. Nets in Chaumont bay and adjacent waters.
147. Nets in Hudson and Delaware rivers and adjacent waters.
148. Richmond county and Raritan bay.
149. Nets prohibited in Harlem river and adjacent waters.

- Section 150. Fishing in Seneca and Cayuga lakes.
151. Fishing in Otsego lake.
152. Fishing in Chautauqua and Cattaraugus counties.
153. Spearing, hooking and set lines.
154. Warren, Essex, Washington and Saratoga counties, certain waters.
155. Extension of close seasons.
156. Nonresident fish license.
157. Dutchess and Sullivan counties.
158. Fish not to be taken by set lines, tip-ups or spearing in Young's lake and Weaver's lake in Herkimer county.
159. Transportation of fish from the province of Quebec.
160. Penalties.

§ 144. **Fishing in Niagara river.**—When licensed by the commission, seines may be used in the Niagara river in November, December, January and March to take fish, except black bass, lake trout, whitefish and maskalonge. Fish except black bass, yellow pike, lake trout, whitefish, pickerel and maskalonge may be taken by seine, machine or trap by citizens of the state in that part of the Niagara river in the town of Lewiston, Niagara county, during the time when Canadians may lawfully fish with such devices in said river on the Canada side opposite the town of Lewiston, provided a license therefor has been granted by the commission, and provided that lake trout and whitefish can not be taken during November and December. The commission shall, on the execution of a satisfactory bond, conditioned for the payment to the people of the state of the sum of one hundred dollars, if the holder of

the license shall violate any of the provisions of this chapter as to the Niagara river, while the license is in force, and upon the payment of five dollars for each seine, machine or trap license, grant such a license, unless the applicant has been convicted of violating a provision of this chapter, or his bond adjudged forfeited. Fish which may not be lawfully taken under the provisions of this section, shall, if unintentionally taken, be immediately returned to the water alive and without unnecessary injury. Fish which may be lawfully taken with nets may be speared between the falls of Niagara and the north line of the village of Lewiston.

§ 145. **Nets in Lakes Ontario and Erie.**— Fish may be taken with nets, in the waters of Lake Erie except within one-half mile of the shores or islands thereof, and within five miles of the mouth of Cataraugus creek during the open season; and in Lake Ontario except within one mile of the shores or islands thereof and within three miles of the mouth of the Niagara river during the open season; but in the county of Erie pound nets, trap nets or fyke nets shall not be used. Fishermen licensed to fish in said lakes may hang or reel licensed nets on the shores thereof to clean and dry the same.

§ 146. **Nets in Chaumont bay and adjacent waters.**— The waters and bays of Lake Ontario, in the county of Jefferson, within one mile of the shore, between Horse Island, in the town of Hounsfeld, and the town line between the towns of Lyme and Cape Vincent, except the waters within one mile of Stony Island, Calf Island or of the Galloup Islands, are so far excepted from the provisions of

this chapter as to permit the taking of fish by nets therein from October first to April thirtieth, except lake trout and whitefish in November and December, provided that a net shall not be set until license therefor has been granted by the commission and the commission shall have the power to determine the location thereof. The commission shall on the execution of a satisfactory bond, conditioned for the payment to the people of the state of the sum of one hundred dollars if the holder of the license shall violate any of the provisions of this section as to black bass or maskalonge while the license is in force, grant such a license and may license the use of sturgeon nets of not less than five-inch bar at any time or of hoop or fyke and trap nets during the month of May unless the applicant has been convicted of violating this section or his bond adjudged forfeited. The license fee shall be fixed by the commission. All black bass and maskalonge caught in nets set pursuant to this section shall be immediately returned to the water. (*As am'd by chap. 474, Laws of 1909.*)

§ 147. **Nets in Hudson and Delaware rivers and adjacent waters.**—From March fifteenth to June fifteenth, both inclusive, shad and herring may be taken in the Delaware river and that part of the Hudson river below the dam at Troy, with nets operated by hand only; and in Catskill creek below Cook's dam, so called, with scoop nets, dip nets and scap nets. No such net shall be set, placed or drawn or fish taken therefrom between sunset on Thursday and sunrise on Monday, unless by reason of inclemency of the weather, it can not be drawn before sunset on Thursday when it may be drawn

on Friday. From September first to May thirtieth, both inclusive, fish except salmon, black bass, trout and pike-perch, and except also during March and April pickerel and pike may be taken with nets in the Hudson river below the dam at Troy, Wappinger's creek below the falls at Hibernia, Rondout creek below the dam at Eddyville, and with scap nets, scoop nets and dip nets in Catskill creek below Cook's dam, so called, and in the Ten Mile river in the town of Dover. From June first to September first, both inclusive, sturgeon may be taken in the Hudson river with sturgeon nets of not less than eleven-inch mesh. (*As am'd by chap. 657, Laws of 1910.*)

§ 148. Richmond county and Raritan bay.—Fish except shad in Raritan bay or waters adjacent thereto in Richmond county shall not be taken except by angling. Shad shall not be taken except by shad nets from March fifteenth to June fifteenth, both inclusive.

§ 149. Nets prohibited in Harlem river and adjacent waters.—Nets other than nets used for catching lobsters or crabs shall not be used in Harlem river, East river or Long Island sound from Hell Gate to the northern boundary line of the city of New York, or in any of the bays, creeks, or confluent brooks within said limits.

§ 150. Fishing in Seneca and Cayuga lakes.—Nets or seines the meshes of which shall not be less than two-inch bar, may be used in Seneca lake and in that portion of Cayuga lake lying south of a straight line drawn from East Varick to Lavana

and north of a straight line drawn from Glenwood to Esty Glen from May first to September fifteenth, both inclusive. (*As am'd by chap. 474, Laws 1909.*)

§ 151. **Fishing in Otsego lake.**—Frostfish, whitefish, Otsego bass and lake trout may be taken by angling, from January first to October thirty-first, both inclusive, from Otsego lake, Otsego county. Nets and net fishing are prohibited at all times excepting the use of minnow nets as licensed by the forest, fish and game commission, and also excepting the use of gill nets as hereinafter provided. Frostfish, whitefish and Otsego bass may be taken in gill nets having meshes of not less than one and three-quarter inch bar, and not exceeding sixty rods in length, from July first to August thirty-first, both inclusive, providing a license shall have been granted therefor by the forest, fish and game commission. Each fisherman shall be limited to one net, and each net shall be buoyed and tagged with the name of the owner. No license shall be granted to any person under twenty-one years of age. Possession of nets other than as provided for by this section, at any time by any person within five hundred feet of the shores of Otsego lake, Otsego county, shall be presumptive evidence that the same were unlawfully used. Possession of frostfish, whitefish, Otsego bass, lake trout or trout, from the first day of November to the thirty-first day of December, both inclusive, by any person in Otsego county, shall be presumptive evidence that the same were unlawfully taken from the waters of said lake. Lake trout may be taken by angling from January first to October thirty-first, both inclusive. Set lines are prohibited at all times.

Eel pots of such form as may be prescribed by the forest, fish and game commission may be used at any time. (*As am'd by chap. 657, Laws of 1910.*)

§ 152. **Fishing in Chautauqua and Cattaraugus counties.**— Maskalonge, black bass, or yellow bass shall not be fished for, taken or possessed in Chautauqua and Cattaraugus counties from October sixteenth to June fifteenth, both inclusive, unless by the state for the purposes of propagation. Maskalonge, black bass or yellow bass shall not be fished for, or taken from any of the waters of Chautauqua or Cattaraugus counties on any day after dark and before daylight. Maskalonge less than twenty-four inches in length shall not be taken from any of the waters of said counties. Bullheads may be fished for and taken through the ice with hook and line baited with angle-worms in any of the lakes of such counties. The provisions of this section shall not apply to Bear lake in Chautauqua county. (*As am'd by chap. 474, Laws of 1909.*)

§ 153. **Spearing, hooking and set lines.**— Suckers, bullheads, eels and dogfish may be speared in the Delaware river in Sullivan and Delaware counties, and in Sandsburg creek, town of Wawarsing, in Ulster county, from the Center street bridge in Ellenville to Port Hixon dam on said stream, from April first to September thirtieth, both inclusive; and Shadow creek and Hayden creek in the town of Springfield, Otsego county, from March first to May first, inclusive; and in the Hyder creek, Fish creek, Mink creek and Herkimer creek in the towns of Richfield and Exeter, inclusive, provided that

spearing shall not be allowed hereunder within twenty rods from the point where such creeks empty into Schuyler lake; and in the creeks in Orleans county excepting Sandy creek, Oak Orchard creek and Johnson's creek, between the fifteenth day of March and the thirtieth day of April, inclusive; and in the tributaries of Lake Ontario from the mouth of the Niagara river to the boundary line between Niagara and Orleans counties, suckers, bullheads, eels, dogfish and carp may be speared from March first to May fifteenth, both inclusive; and in the waters of Lake Ontario in the towns of Ellisburg, Henderson, Hounsfield and Brownville in Jefferson county, and in the waters of the towns of Lexington and Prattville in Greene county, at any time. Such fish may be taken from December first to May fifteenth, both inclusive, by hooking, in Oneida lake, Oneida river, Onondaga lake, in the Delaware and Charlotte rivers and their tributary streams in the counties of Delaware and Sullivan, in the Schoharie river and its tributary streams in Schoharie and Greene counties, and in the waters of Cortland, Tioga, Broome, Chenango and Otsego counties. Fish, except lake trout, black bass and pike perch, may be taken through the ice with a hook and line in Canandaigua lake, except during the months of March and April. Any fish, except lake trout, black bass and pike perch, may be taken in said lake by spearing except during the months of April, May and June. And any fish except black bass and pike perch may be taken in Seneca lake by spearing from April fifteenth to June fifteenth, both inclusive. Set lines not more than five hundred feet in length with one end thereof attached to the shore, may be used to take fish in Canandaigua lake and Lake Keuka.

The hooks not to be baited with minnows. It shall be unlawful to use upon a line for taking fish in the waters of Lake Keuka more than six hooks, or any contrivance having more than six hooks or more than two burrs of three hooks attached thereto. The provisions of this section shall not apply to streams inhabited by trout, but nothing in this article shall be taken as prohibiting the taking by hooking of suckers, bullheads, eels, dogfish, and carp from December first to May fifteenth, both inclusive, in Delaware and Sullivan counties in Delaware river below Brookdale bridge in the town of Roxbury on the east branch and below the inlet of Robinson pond in the town of Stamford on the west branch, or in the Charlotte river below the bridge in the village of Davenport. (*As am'd by chap. 474, Laws of 1909 and chap. 657, Laws of 1910.*)

§ 154. Warren, Essex, Washington and Saratoga counties, certain waters.—Pike, perch or great northern pike may be taken from the waters of Lake George from June sixteenth to December thirty-first, both inclusive. Bullheads may be taken from Lake George from July first to December thirty-first, both inclusive. Black bass may be taken in Lake George and Schroon lake from August first to December fifteenth, both inclusive. Black bass may be taken in the town of Horicon and in Trout lake in the town of Bolton from July eleventh to December thirty-first, both inclusive. Perch may be taken through the ice by angling in Lake George. In Glen lake and tributaries, pickerel, pike and perch may be taken from June sixteenth to October thirty-first, both inclusive, and

black bass and bullheads from August first to October thirty-first, both inclusive. Perch shall not be taken from the waters in Saratoga county from February first to May first, both inclusive. None of the fish named in this section shall be taken at any other time than as above specified, nor shall they be taken by any other method than angling. (*As am'd by chap. 657, Laws of 1910.*)

§ 155. **Extension of close seasons.**— There shall be the following extension of close seasons:

1. Fall creek, Ithaca.— There shall be no open season for fish in that part of Fall creek between Lake street bridge in the city of Ithaca and Ithaca falls including the pool at the foot of the falls.

2. Silver lake.— Fish shall not be taken in the waters of Silver lake, Wyoming county, or the marshes adjoining said lake during the months of March and April. Great northern pike and pickerel less than fifteen inches in length and wall-eyed pike and yellow pike less than twelve inches in length shall not be taken in the waters of Silver lake.

3. Saint Lawrence river.— Pickerel less than twenty inches in length shall not be taken in the Saint Lawrence river, and not more than twelve by one person in one day.

4. Oil creek reservoir.— Fish shall not be taken from the waters of Oil creek reservoir, in the county of Allegany, or from its tributaries within one mile thereof, from the first day of March to the fifteenth day of May, both inclusive. The open season for black and Oswego bass in such reservoir and its tributaries within one mile thereof, shall be from June sixteenth to December thirty-first, both inclusive.

§ 156. **Non-resident fish license.**— On fresh water forming a part of the state boundaries or through which the state boundary runs, no nonresident of the state shall take any kind of fish in that part thereof within this state unless residents of this state may lawfully take the same kind of fish in such part of said waters as are not within the state, during the open season therefor in the state or county in which such waters are situated. If any license fee to take such fish in waters not in this state be required of a resident of this state a nonresident may take the same kind of fish in such waters within the state, if a license so to do shall have been first obtained from the commissioner. Nor shall any nonresident take fish by spearing in this state except on a like license, if there is any discrimination by requiring a license or otherwise in the state or country where such nonresident resides against residents of New York in taking fish in such state or country.

§ 157. **Dutchess and Sullivan counties.**— Suckers may be taken with nets through the ice in Crumelbow creek in the towns of Hyde Park and Clinton, Dutchess county, and by hooking through the ice from the waters in Sullivan county. (*As am'd by chap. 655, Laws of 1910.*)

§ 158. **Fish not to be taken by set lines, tip-ups or spearing in Young's lake and *Weavers' lake in Herkimer county.**— Until the first day of June, nineteen hundred and eleven, no fish shall be taken in Young's lake or *Weavers' lake in the town of Warren, in Herkimer county, by means of set lines

*So in original.

or tip-ups, nor until said first day of June, nineteen hundred and eleven, shall any fish excepting suckers be taken with spears in said lakes.

§ 159. **Transportation of fish from the province of Quebec.**—No transportation company, corporation, association or person shall transport into this state, or possess, any fish caught in that portion of Lake Champlain or its tributaries known as Missisquoi bay, lying and being in the province of Quebec, or the Richelieu river, which is the outlet of said lake, at any time. Any transportation company, corporation, association or person violating the provisions of this section is guilty of a misdemeanor, and liable to a penalty of sixty dollars and ten dollars for each fish transported in violation of the provisions of this section. The forest, fish and game commission is hereby authorized to seize and confiscate all fish coming into this state from the points herein referred to, and it shall be the duty of every game protector and peace officer to seize wherever found fish shipped in violation *in this section and report the same to said commission who shall authorize the sale of said fish, the proceeds thereof after paying the expenses incurred to be turned into the state treasury.

§ 160. **Penalties.**—A person who violates any of the provisions of this article is guilty of a misdemeanor, and in addition thereto is liable as follows: For each violation of section one hundred and fourteen in relation to placing fish in the Adirondacks, a penalty of five hundred dollars; for every other violation of said article a penalty of

*So in original.

sixty dollars and an additional penalty of ten dollars for each fish taken or possessed in violation thereof.

ARTICLE X.

Fishways.

- Section 161. Notice of construction of dam.
162. Fishways ordered.
163. Fishways in Saint Lawrence and Franklin counties.
164. Close season established in towns.
165. Power to take fish.
165-a. Power to purchase *fish roe or fish eggs.
166. Penalties.

§ 161. Notice of construction of dam.— Before the construction of a dam is commenced on any stream more than six miles long inhabited by fish protected by this chapter, the plan thereof and a statement of the name, length and location of the stream shall be given to the commissioner by the person, or if by public authority, by the official directing or permitting the work.

§ 162. Fishways ordered.— The commissioner may by an order entered in his minutes and served by copy on any person or official direct the construction of fishways in proper form in any dam, or if there be fishways, such changes therein as will make them efficient. Any person or official receiving such an order may on notice to the commissioner, apply to be relieved therefrom to the su-

*So in original. See § 165-a, page 106.

preme court, which shall have power to affirm, reverse or modify the same as justice requires.

§ 163. **Fishways in Saint Lawrence and Franklin counties.**—No person shall maintain on a river in Saint Lawrence or Franklin counties, except the Oswegatchie above the natural dam at Gouverneur, a dam without a slide, apron, watergate or other passage sufficient to permit the passage of such fish as enter the mouth of the river on which the dam is located. And no such slide, apron, waste-gate or other passage shall be closed or obstructed after the ice goes out in the spring and before June first, except so far as necessary to supply water to mills dependent on such dam. A person who violates any provision of this section is liable to a penalty of five dollars for every day such violation continues.

§ 164. **Close season established in towns.**—The commissioner may on the request of a majority of the town board of any town in which fish have been or shall be placed at the expense of the state, prohibit or regulate the taking of fish from inland waters therein, for not exceeding five years, from the first of May next after such fish have been furnished. At least thirty days before such prohibition or regulation shall take effect, a copy of the same shall be filed in the office of the clerk of the town to which the prohibition or regulation applies, and printed copies thereof at least one foot square shall be posted along the shores of the waters affected, not more than fifty rods apart. Whoever shall violate or attempt to violate any such prohibition or regulation is guilty of a misdemeanor, and in addition thereto shall be liable to

a penalty of sixty dollars for each violation and an additional penalty of five dollars for each fish taken or possessed in violation of this section.

§ 165. **Power to take fish.**—The commissioner may take fish with nets at such times and in such manner as he may deem proper for the artificial propagation of fish. The commission may also remove or cause to be removed from public waters fish which hinder or prevent the propagation of game or food fish. Such removal shall be effected by such means and under such regulations as the commissioner may provide. Moneys realized from fish so removed may be used by the commissioner in continuing the work of removal. Any person not in charge of a state net who shall handle or take fish while confined therein, or shall fish within one hundred feet of any leader or net in use by the state shall be guilty of a misdemeanor.

§ 165-a. **Power to purchase roe or fish eggs.**—The forest, fish and game commissioner may purchase from private individuals, or corporations, fish roe or fish eggs, giving in exchange or in consideration therefor, a percentage of the young fish hatched or produced at any of the fish hatcheries of the state from the eggs so purchased; and the placing of such young fish in waters on lands of such individuals or corporations shall not be deemed a stocking of such lands and waters thereon with fish by the state, or fish from state hatcheries.

§ 166. **Penalties.**—In case of the failure, refusal or neglect of any person owning or maintaining a dam, to comply with the order of the commissioner to build, repair or change any fishway, or if re-

viewed by the court, the final order relating thereto, the commissioner may build, repair or change the same in accordance with the terms of the order, and in the name of the people; recover of such person the expenses of such construction, repairs or changes, and the same shall be a lien on the premises upon which the dam is located. Such person shall also be liable to a penalty of ten dollars a day for each day such dam shall be used or maintained in violation of the order, which may be recovered in the same or a separate action.

ARTICLE XI.

Long Island.

- Section 167. Application of article.
168. Deer; dogs.
169. Squirrels, hares and rabbits.
170. Wild fowl.
170-a. (Repealed.)
171. Manner of hunting.
172. Meadow hens and other birds.
173. Woodcock, grouse and quail.
174. Plover and other birds.
174-a. Robbins and Gardiners islands.
175. Trout.
176. Black bass; open season.
177. Lake trout and rainbow trout; open season.
178. Jamaica bay and adjacent waters.
179. Size of meshes in Coney island creek
180. Supervisors of Queens, Nassau and Suffolk counties.
181. Jones inlet and adjacent waters.
182. Penalties.

§ 167. **Application of article.**— This article applies only to the counties of Kings, Queens, Nassau and Suffolk, and to Long Island sound, except that portion of said territory embraced in the greater city of New York, and shall be construed with the general provisions of this chapter relating to fish and game. In case of conflict the provisions of this article shall be substituted for the general provisions so far as it affects the territory herein named; but such parts of the general provisions as are not necessarily superseded shall apply.

§ 168. **Deer.**— There shall be no open season for deer for the period of three years from the time that this section, as hereby amended, takes effect. Deer or venison taken outside of the territory herein described may be possessed within the four counties herein named at all times when it is lawful under the general law to possess the same. The burden of proof shall be on the possessor thereof to show that the same was lawfully killed within the state or was killed without the state. (*As am'd by chap. 657, Laws of 1910.*)

§ 169. **Squirrels, hares and rabbits.**— The open season for black and gray squirrels, hares and rabbits shall be from November first to December thirty-first, both inclusive. They shall not be taken or possessed at any other time.

§ 170. **Wild fowl.**— The open season for ducks, geese, brant and swan shall be from October first to January tenth, both inclusive, and may be possessed from October first to January fifteenth, both inclusive. They shall not be taken in the night between

sunset and sunrise. They shall not be taken or possessed at any other time. (*As am'd by chap. 657, Laws of 1910.*)

§ 170-a. (Repealed by chap. 657, Laws of 1910.)

§ 171. **Manner of hunting.**—Ducks, geese, brant and swan may be taken by aid of any floating device other than sailboats or power boats, at any distance from shore in Long Island sound, in Shinnecock, Gardiner and Peconic bays and except from September thirtieth to October nineteenth, both inclusive, in Great South bay west of Smith's point. Sailboats may be used in Long Island sound, Gardiner and Peconic bays.

§ 172. **Meadow hens and other birds.**—The open season for meadow hens, mud hens and gallinule shall be from August sixteenth to December thirty-first, both inclusive. They shall not be taken or possessed at any other time.

§ 173. **Woodcock, grouse and quail.**—The open season for woodcock, grouse and quail shall be from November first to December thirty-first, both inclusive. Such birds shall not be taken or possessed in their close season.

§ 174. **Plover and other birds.**—The open season for plover, curlew, jacksnipe, wilsons, commonly known as English snipe, yellow legs, kildeer, willett snipe, surf snipe, winter snipe, ringnecks and oxeyes shall be from July sixteenth to December thirty-first, both inclusive. They shall not be taken or possessed at any other time.

§ 174-a. **Robbins and Gardiners islands.**— Quail and English pheasants may be taken on Robbins island as long as it remains the property of the Robbins Island Club, and on Gardiners island from October fifteenth to January thirty-first, both inclusive. Woodcock may be taken on these islands from November first to December thirty-first, both inclusive. (*As am'd by chap. 656, Laws of 1910.*)

§ 175. **Trout.**— The open season for trout shall be from the last Friday in March to August thirtieth, both inclusive. Trout taken lawfully may be sold or possessed in the city of New York in the open season established by this section. They shall not be taken or possessed at any other time.

§ 176. **Black bass; open season.**— The open season for black bass shall be from May thirtieth to December thirty-first, both inclusive. They shall not be taken or possessed at any other time.

§ 177. **Lake trout and rainbow trout; open season.**— The open season for lake trout and rainbow trout shall be from April first to September thirtieth, both inclusive. They shall not be taken or possessed at any other time.

§ 178. **Jamaica bay and adjacent waters.**— Except as herein provided, fish shall not be taken, nor shall any attempt be made to take the same, by any device other than angling, in the arm of the sea between Rockaway point and Coney island or any waters northerly of a line drawn from the extreme westerly point of Rockaway point on the south side

to the centennial tower on Coney island including Jamaica, Flatlands, Grassy and Sheepshead bays and all other bays and inlets in or making out from said arm of the sea. The inlets from the ocean to said bays shall not be obstructed by any device so as to prevent the passage of fish at any time, provided that nets may be used from October tenth to December thirty-first in that part of said waters lying southerly of Barren island and toward the sea from a line drawn from the most southerly point of Barren island to the northeasterly point of Rock-away point and a line drawn from the most westerly point on Barren island to the most easterly point of Coney island. Refuse and debris may be taken with nets having meshes with not less than a six-inch bar. Minnows or shrimp for bait may be taken by hand nets not more than forty feet long and four feet deep. No other nets shall be used in said waters, and should such other nets be placed in said waters it shall be presumptive evidence of an unlawful use. Angling shall always be lawful. Eels may be taken with a spear or eel weir.

§ 179. **Size of meshes in Coney island creek.**— Meshes of nets used in Coney island creek, or within one-half mile of the mouth thereof in Graves-end bay, shall not be less than four inches square. Eel and flounder hoop nets may be used from October fifteenth to March thirty-first, both inclusive, provided there be in said creek at low tide a passage unobstructed by nets not less than ten feet wide for the passage of boats and fish, and provided that all stakes used in connection with said nets shall show plainly above the water at high tide.

§ 180. Supervisors of Queens, Nassau and Suffolk counties.—The board of supervisors of the counties of Queens, Nassau and Suffolk may respectively pass laws regulating and controlling the taking of fish, and shellfish in arms of the sea and fish bait from public lands of such counties, and prescribe what violation thereof shall be punishable as misdemeanors and impose penalties, the same to be enforced under the provisions of article three of this chapter.

§ 181. Jones inlet and adjacent waters.—Nets shall not be used in Jones inlet inside of the first spar buoy, or inside of a line drawn three-quarters of a mile easterly and westerly from said buoy, or in any of the following creeks, runs or water running into, or tributary to Jones inlet, namely, Long creek below the sharp point of the marsh; Sea Dog creek below a line drawn northerly and southerly from the easterly end of Elder island; Shell creek below the point of the gunning lead; Swift creek below the upper point of Swift creek on the easterly side thereof; in Haunt's creek below a line drawn from the upper side of Haunt's creek point and Old Ben's point. This section shall not apply to nets used only for taking lobsters or crabs; or hand nets not more than forty feet long and four feet deep to take minnows, killies, spearing, or shrimp for bait.

§ 182. Penalties.—A person who violates any provision of this article is guilty of a misdemeanor and in addition thereto shall be liable to the following penalty for violation thereof: For each deer or part of deer taken or possessed in violation

thereof, one hundred dollars; for each bird taken or possessed in violation thereof, twenty-five dollars; for each squirrel, hare or rabbit taken or possessed in violation thereof, ten dollars, and for each fish taken or possessed in violation thereof, the sum of ten dollars; for every other violation thereof, sixty dollars.

ARTICLE XII.

Bureau of Marine Fisheries.

Section 183. Definitions.

184. Superintendent of marine fisheries.

185. Transfer of records, books, papers, and other property; former appropriations.

186. Office and clerical force.

187. Duties of superintendent.

188. Reports of superintendent.

189. Fisheries protectors.

190. Protectors to give bonds.

191. Compensation of fisheries protectors.

192. Special fisheries protectors.

193. Sheriffs and constables.

194. Nets to be destroyed by fisheries protectors.

195. Leases for cultivation of shellfish.

196. Limitation of last section.

197. To collect rents.

198. Disputes as to shellfish leases settled.

199. Close season for oysters in Harlem river.

200. Replanting Hudson river oysters.

201. *Takings oysters in South bay.

* So in original.

Section 201-a. Blue point oysters.

202. Oyster beds protected.
203. Dredging and raking for shellfish.
204. Clams and oysters about Staten Island.
205. Sale of lobsters under certain size prohibited.
206. Residents only may take shellfish.
207. Polluting waters.
208. Garbage not to be thrown in Long Island sound.
209. Penalties.
210. Statements of property, penalty; assessment of tax.
211. Levy and payment of tax.
212. Collection of tax.
213. Inspection of oyster beds.
214. Duties of state commissioner of health.
215. Sale prohibited unless sanitary condition be certified.
216. Actions for penalties by the people.
217. Proceeds of actions by the people.
218. Actions by private persons or societies.
219. Judgments; how enforced.
220. Criminal jurisdiction of courts.
221. Search warrants; when issued.
222. Punishment for misdemeanor.
223. Witnesses not excused from testifying.
224. Recording and fees.
225. Licenses for vessels.

§ 183. **Definitions.**—The following words and phrases used in this article are defined as follows:

1. "Marine fisheries" include all salt water fisheries, shell fisheries and fisheries within the tidal

waters of the state, except in the Hudson river above the city of Newburgh. "Taking" includes pursuing, killing, capturing, trapping, snaring and netting fish and all lesser acts such as disturbing, harrying or worrying, or placing, setting, drawing or using any net or other device commonly used to take fish whether they result in taking or not; and includes every attempt to take and every act of assistance to every other person in taking or attempting to take fish. A person who counsels, aids or assists in the violation of any of the provisions of the marine fisheries law, or knowingly shares in any of the proceeds of said violation, shall be deemed to have incurred the penalties provided in this chapter against the person guilty of such violation. Whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

2. "Person," includes a copartnership, joint-stock company or corporation.

3. Gender and number shall be disregarded in construing this article and article thirteen of this chapter whenever it is necessary to carry out the spirit thereof.

4. "Superintendent" is synonymous with "superintendent of marine fisheries."

5. The office of superintendent shall be at the office of the commissioner, for which provision is made in section one hundred eighty-six of this chapter.

§ 184. **Superintendent of marine fisheries.**—There shall be, in the department of forest, fish and game, a bureau of marine fisheries. There shall be a superintendent of marine fisheries who appointed by and under the direction and supervision of the

forest, fish and game commissioner, shall have charge of the bureau of marine fisheries. The superintendent of shell fisheries now in office shall be continued in office as superintendent of marine fisheries during the pleasure of the commissioner, and as such shall perform the duties and have the powers herein prescribed. He shall receive an annual salary of three thousand dollars, payable monthly, and the expenses necessarily incurred by him in the discharge of his official duties. The forest, fish and game commissioner shall appoint a deputy superintendent who shall receive an annual salary of two thousand dollars, payable monthly, and the expenses necessarily incurred by him in the discharge of his official duties not to exceed seven hundred dollars. He shall take and subscribe the constitutional oath of office. During the absence or inability to act of the superintendent, the deputy superintendent shall have and exercise all the powers of the superintendent. He may be removed by the commissioner who may in like manner appoint his successor. The superintendent and deputy superintendent shall each execute and file a bond to the people of the state in the sum of five thousand dollars with sureties to be approved by the commissioner, conditioned for the faithful performance of his duties and to account for and pay over pursuant to law, all moneys received by him in his office. (*As am'd by chap. 240, Laws of 1909.*)

§ 185. Transfer of records, books, papers, and other property; former appropriations.—All records, books, papers, office furniture and supplies of the shell fisheries office of the forest, fish and game commission shall be transferred to the super-

intendent of marine fisheries, and any and all unexpended balance of money appropriated for use in the shellfish office of the forest, fish and game commission, and for the purpose of making surveys and maps, and for the erection of signals and monuments, and for paying the rent and expenses of the shellfish office, and for the salaries and traveling expenses of officials connected with the shellfish office shall be and become available in and through the bureau of marine fisheries for the purposes for which said sums were originally appropriated, and said sums shall be paid out by the state treasurer upon the audit of the superintendent of marine fisheries and approval of the commissioner.

§ 186. **Office and clerical force.**—The commissioner shall lease an office in the borough of Manhattan, or in the borough of Brooklyn, for the sale or lease of lands under water, and for the conduct of the business of the department, as provided by law. He may appoint for the bureau of marine fisheries a secretary who shall have a salary of eighteen hundred dollars a year, an engineer who shall have a salary of two thousand dollars a year and the expenses necessarily incurred by him in the discharge of his official duties not to exceed seven hundred dollars a year, a stenographer and such other clerical assistants as are actually needed for which appropriation shall have been made by the legislature. The officers and employees of the shell fisheries bureau, of the forest, fish and game commission, now in office may be continued in office under the superintendent of marine fisheries until removed as provided by law.

§ 187. **Duties of superintendent.**—The superintendent under the supervision and direction of the forest, fish and game commissioner, shall have charge of the enforcement of laws for the protection of salt water and migratory fish; of lands under water which have been or shall be designated, surveyed and mapped out pursuant to law as oyster beds, and such other powers and duties as are or may be imposed upon him by law.

§ 188. **Reports of superintendent.**—The superintendent shall, on or before the fifth day of each month, make a report to the forest, fish and game commissioner, of his proceedings for the preceding calendar month. He shall include in such report a detailed statement of his receipts and disbursements from all sources, together with a statement of such facts relating to the matters subject to his jurisdiction as the forest, fish and game commissioner shall prescribe. He shall also in like manner make an annual report to the commissioner for the year ending with the thirtieth day of September preceding. Such reports shall be made on forms prescribed and furnished by the game commissioner.

§ 189. **Fisheries protectors.**—The forest, fish and game commissioner shall appoint three fisheries protectors who shall hold office during the pleasure of the commissioner.

§ 190. **Protectors to give bonds.**—The protectors shall give a bond to the people of the state in the sum of five hundred dollars conditioned for the faithful discharge of their duties, with sureties to be approved by the commissioner.

§ 191. **Compensation of fisheries protectors.**— Each state fisheries protector shall receive thirteen hundred dollars a year and his actual and necessary traveling and incidental expenses while in the discharge of his official duties, not exceeding seven hundred and fifty dollars a year. Fisheries protectors shall have all the powers and authority of game protectors under the forest, fish and game laws of the state. Each fisheries protector shall keep a daily record of his official acts, and at the close of each month make a report of the same to the commissioner. The salary and traveling expenses of a protector shall not be payable except upon the certificate of the commissioner, and after such protector has made the required report and properly performed his duties.

§ 192. **Special fisheries protectors.**— The commissioner may in his discretion appoint a person recommended by the superintendent of marine fisheries as special fisheries protector. Such special fisheries protectors shall hold office during the pleasure of the commissioner, and shall have the same powers as fisheries protectors, but shall not receive any pay from the state. They shall receive moieties in the same manner as provided for special game protectors. They shall make reports in the same manner as fisheries protectors.

§ 193. **Sheriffs and constables.**— Peace officers shall have the same powers as fisheries protectors under this chapter.

§ 194. **Nets to be destroyed by fisheries protectors.**— Nets, pounds, or other devices unlaw-

fully had, set or used in or upon any of the salt or tidal waters of this state, for the purpose of taking fish in violation of this chapter, are hereby declared to be public nuisances and may be summarily destroyed and abated by any fisheries protector or private person. No action for damages shall be maintained for such seizure or destruction.

CULTIVATION OF SHELLFISH.

§ 195. **Leases for cultivation of shellfish.**— The superintendent, under the direction and supervision of the forest, fish and game commissioner, may lease lands under water for the cultivation of shellfish to persons who have resided in the state one year or more; but oyster beds of natural growth shall not be leased unless the same have for five years failed to produce natural oysters in sufficient quantities to enable persons engaged in the planting and cultivation thereof to earn a livelihood by working on such lands. Before a lease is made, notice thereof must be posted for at least three weeks in a conspicuous place in the office of the superintendent, in the office of the town clerk and in the post-office nearest to the lands applied for. The letting shall be at public auction to the highest bidder, and the superintendent shall classify the lands applied for in accordance with their value and fix a minimum price at which the lease may be awarded, but such price shall in no case be less than twenty-five cents an acre annually, and for not more than fifteen years. Such leases may at the expiration of the terms thereof or upon the expiration of any renewals thereof, be renewed for a term not to exceed twenty-five years upon it being shown to the

satisfaction of the superintendent that the lands described therein have in good faith been used for shellfish cultivation, continuously, during the original terms for which such lands were granted and during any *pervious renewal or renewals thereof. Holders of original leases shall have the first privilege of a renewal of said lease, upon the expiration of the term thereof, or before the expiration, in the discretion of the commissioner, at such terms as may be agreed upon between such lessee and the superintendent of shell fisheries. Upon the failure to agree on terms for the renewal of such lease, the holder of such original lease shall be allowed an extension of one year for the purpose of removing from the ground so leased all shellfish belonging to him upon such ground, such extension being made at terms named in such original lease. Upon the expiration of such extension, and failure to agree upon terms for renewal of said lease, such holder must immediately surrender the ground heretofore occupied by him, and the superintendent of shell fisheries may lease the land thereafter to any person according to the provisions of this article. Moneys received from such leases shall be paid forthwith to the state treasurer. Every person holding a lease or franchise shall report annually to the superintendent, on blanks provided for that purpose, such information as the superintendent may deem necessary. A lessee shall immediately mark the grounds leased by stakes, buoys, or monuments, which shall be maintained by him, his successors or assigns during the continuance of the lease. Leases shall not be transferable in whole or in

* So in original.

part except to persons who might have been originally lessees and subject to the approval of the commissioner. The superintendent may summarily oust from such lands tenants whose rent is in arrears, or who fail or refuse to report as herein provided, and thereupon the lease held by such delinquent shall become null and void.

§ 196. **Limitation of last section.**—The last section shall not be construed as limiting the power of the commissioners of the land office to grant land under water, but any grant of land actually occupied and in use for the cultivation of shellfish shall be subject to the right of the occupant to occupy and use such land for at least two years. Nor shall it apply to any of the excepted lands named in section two hundred of this chapter.

§ 197. **To collect rents.**—The superintendent under the direction of the commissioner may in the name of the people of the state sue for, collect, compromise, compound or satisfy rents which now are or may hereafter be in arrears on leases by the state of lands under water, for the cultivation of shellfish, and make such rebates thereon as in his judgment are just and equitable, provided the rental shall in no case be less than twenty-five cents an acre annually. In cases where a grantee or assignee of a grantee of lands for shellfish cultivation is desirous of surrendering such lands the superintendent, in his discretion, may, in case such person is not indebted to the bureau of marine fisheries for rentals or otherwise, receive an assignment of such lands to the state of New York and cause such assignment to be recorded in his office.

§ 198. **Disputes as to shellfish leases settled.**—The superintendent shall have jurisdiction to hear all controversies which have arisen or may arise in regard to the leasing of lands under water for the cultivation of shellfish and to determine the same upon just and equitable terms to be approved by the commissioner.

SHELLFISH.

§ 199. **Close season for oysters in Harlem river.**—Oysters shall not be taken in Harlem river from May thirty-first to September first, both inclusive.

§ 200. **Replanting Hudson river oysters.**—Oysters shall not be taken from the Hudson river north of New York county for the purpose of replanting without the state.

§ 201. **Taking oysters in South bay.**—Oysters, spawn, or shells shall not be taken from South bay in Suffolk county from the public waters of this state from May thirty-first to September first, both inclusive; or taken between sunset and sunrise at any season. Oyster shells taken from the public waters of said bay in said county shall be returned to the water where taken within ten minutes after being taken. Blade or scraper tongs used to take shellfish shall not be used or possessed in waters of said bay in said county. This section is subject to the provisions of section one hundred eighty of this chapter.

§ 201-a. **Blue Point oysters.**—No person, firm or corporation shall sell or offer for sale any oysters, or label or brand any package containing

oysters for shipment or sale, under the name of Blue Point oysters, other than oysters that have been planted and cultivated at least three months in the waters of Great South bay in Suffolk county.

§ 202. **Oyster beds protected.**— Oysters or hard clams shall not be taken from half an hour after sunset until half an hour before sunrise except in the waters in the Kill von Kull, Jamaica bay and the Arthur kill. No person shall take, carry away, interfere with or disturb oysters or clams of another lawfully planted or cultivated, or remove any stakes, buoys or boundary marks of a planted or cultivated bed. The possession of dredges, rakes or tongs overboard on any such beds shall be deemed prima facie evidence of a violation of this section.

§ 203. **Dredging and raking for shellfish.**— Dredges for taking of shellfish from public or unleased lands shall not be operated from any boat propelled otherwise than by sail or oars.

§ 204. **Clams and oysters about Staten Island.**— Oysters and clams shall not be taken or disturbed between half an hour after sunset and half an hour before sunrise in the waters on the south side of Staten Island between a line extending due south from the point of the beach at Great kills, and a line extending due southwest from Ward's point in the town of Westfield. Devices other than rakes and tongs operated by hand only shall not be used in taking oysters or clams from natural growth oyster beds in Arthur kill or in Staten Island sound or in tributaries thereto, or had in possession overboard in such waters.

§ 205. Sale of lobsters under certain size prohibited.— Lobsters less than nine inches in length measured from one extremity to the other, exclusive of claws or feelers, shall not be taken, possessed or sold.

§ 206. Residents only may take shellfish.— No person who has not been an actual resident of this state for six months immediately prior to the time of engaging in the taking of shellfish, shall take shellfish from the public lands in the waters of this state. Nothing in this section shall apply to a person who may be employed as deck hand, engineer or fireman on a boat whose captain and owner may be a lawful resident, except that in the public waters of the state lying to the north and east of a line drawn from Gardiner's point to Orient point and thence extended in the same direction until it intersects with the state boundary line between New York and Connecticut, licenses to take lobsters may be issued to nonresidents upon payment of the following fees: For boats of ten or more tons measurement, thirty-five dollars; for boats of five to ten tons measurement, twenty-five dollars; for all other boats, twenty dollars, except that for boats carrying one man only the license fee shall be fifteen dollars. Such boats, when so licensed, shall carry displayed upon them the license number, of such size and placed in such position upon the boat or rigging as may be prescribed by the commissioner. Such licenses shall not be transferable and shall be conditioned that the holders shall observe the fisheries laws of this state and shall at any time and without delay permit protectors and peace officers of this state to board such boats and inspect the cargoes or

contents. All such licenses shall expire upon the thirty-first day of December following the date of issue, and any license may be revoked at any time at the pleasure of the commissioner.

§ 207. **Polluting waters.**—Sludge, acid or refuse from oil works or sugar houses, or buildings connected therewith, except refuse from the manufacture of oil from menhaden or other fish, sewage, or any substance injurious to oyster culture, shall not be placed or allowed to run into waters in the vicinity of oyster beds, and upon it appearing to the satisfaction of the superintendent of marine fisheries that oyster beds have become polluted from one or more of these causes it shall be his duty to cause complaint to be made in a criminal action against the person or persons so offending, and such person or persons so offending shall also be liable in damages to persons injured.

§ 208. **Garbage not to be thrown in Long Island sound.**—Garbage, cinders, ashes or refuse of any kind shall not be thrown from any vessel into Long Island sound or any bay or harbor opening into the same within two miles of the shore west of a line drawn from Old Field point due north to the boundary line between New York and Connecticut. Starfish shall not be thrown into the waters of the state.

§ 209. **Penalties.**—A person who violates any provision of sections one hundred and ninety-nine to two hundred and eight inclusive is guilty of a misdemeanor, and is liable as follows: For each violation of section two hundred and five to a penalty

of sixty dollars, and to an additional penalty of ten dollars for each lobster taken or possessed in violation thereof; for every other violation of said sections one hundred and ninety-nine to two hundred and eight, inclusive, to a penalty of one hundred dollars.

LOCAL PROVISIONS.

§ 210. **Statements of property, penalty; assessment of tax.**—All owners, lessees or persons in possession of shellfish grounds, within the state of New York, shall on or before the thirtieth day of September, annually deliver to the forest, fish and game commissioner, at the office of the superintendent of marine fisheries, a statement under oath specifying the number of acres of shellfish grounds owned, leased or used by them on the first day of August preceding, and the location, description and value thereof, and whether held under grant, lease or otherwise, and printed blanks for each statement shall be prepared by said commissioner and furnished upon application at his said office. In case of the failure of any such person to deliver such statement to said commissioner at his office within the time above specified, or, if any statement so delivered to him shall erroneously state the number of acres subject to the tax hereinafter imposed, said commissioner shall make up a statement from the best information he may obtain, and shall add for such default to the tax hereinafter provided, twenty per centum of the amount of such tax. The said commissioner shall annually make up and keep a book in his office to be known as the assessment book, in which he shall set down alphabetically the names and addresses of the owners, lessees or persons in pos-

session of all shellfish grounds within the state, the number of acres held or possessed by them and the location thereof as shown by the statements aforesaid, the amount of the tax payable thereon as hereinafter provided, and any penalty thereon; such assessment book shall also contain columns for the date of payment of such tax and the amount of tax and penalty paid.

§ 211. **Levy and payment of tax.**—For the benefit of the state and for the protection and fostering of the marine fisheries thereof, and the maintenance of an efficient bureau of marine fisheries, an annual tax at the rate of twenty-five cents per acre shall be levied and assessed upon each and every acre of shellfish ground located within this state owned, leased or possessed by any person whatsoever. The said commissioner shall annually, and before the first day of February, levy and assess the said tax upon the property described in the statement made as aforesaid, setting forth the amount thereof, and any penalty added thereto, in the assessment book as provided in the last section, and shall thereupon serve notice on all persons whose lands are so assessed, and on which a tax is levied hereunder, which notice shall be in writing and may be served personally or by writing the same to the last known post-office address of such person, stating that such tax roll has been completed and is on file in his office, the number of acres so assessed and the amount of the tax thereon, the penalties incurred, if any, and that on a day therein stated, which shall be not less than five days from the date of such notice, he will have the complaint of all persons declaring themselves aggrieved thereby, and on such hearing

sections thirty-six and thirty-seven of the tax law shall apply so far as the same are applicable and such assessment may be reviewed by certiorari in the manner provided in the tax law for the review of erroneous or illegal assessments. Such tax shall be paid to the said commissioner at his said office within sixty days after the first day of February in each year, and he shall give a proper receipt therefor, and immediately enter such payment upon the assessment book with the date of payment. Such tax, and any penalty thereon, shall be a lien upon all the property subject thereto, including the shellfish thereon from the first day of February of the year in which such tax is laid. The tax hereby imposed shall be in lieu of all other taxes on such property, and no other tax shall be levied or imposed on said shellfish grounds, or the shellfish thereon, by any authority whatever. Sections two hundred and ten, two hundred and eleven and two hundred and twelve do not apply to or affect lands under water, held and in possession under colonial patents, or legislative grants, by any town or person in the counties of Kings, Queens, Suffolk, Nassau, or Richmond, or to lands under the waters of Gardiners and Peconic bays, ceded by the state to the county of Suffolk pursuant to chapter three hundred and eighty-five of the laws of eighteen hundred and eighty-four as amended by chapter six hundred and forty of laws of nineteen hundred and six, except that said lands shall not be exempt from sanitary inspection under this chapter.

§ 212. **Collection of tax.**—If any tax so laid shall not be paid on or before the first day of April the said commissioner shall make and issue

his warrant for the collection thereof, with interest thereon, at one per centum per month from the day such tax became due and payable and until paid, which warrant shall be delivered to the sheriff of the county within whose jurisdiction the lands are situated, directing such sheriff to collect such tax, together with the penalties and interest, if any, due thereon, together with his fees for making such collection, and such sheriff is hereby authorized, empowered and required in default of such payment to sell the property described in such warrant in the manner provided by law for a sale under execution, and to deliver to the purchaser thereof a proper deed or assignment, as the case may be, and such warrant shall immediately be returned to said commissioner by said sheriff with all his proceedings indorsed thereon, and he shall pay over to the said commissioner the money received upon such sale and said commissioner shall apply the same to the payment of such tax and all interest and expenses thereon, including the expenses of such sale, returning any balance that may remain to such owner or owners. All moneys received by said commissioner in payment of taxes and interest thereon shall be accounted for and paid by said commissioner to the state treasurer, for the benefit of the state, within thirty days after its receipt.

SANITARY INSPECTION.

§ 213. **Inspection of oyster beds.**—It shall be the duty of the superintendent of marine fisheries annually, or oftener should he deem it necessary to inspect or cause to be inspected the various oyster beds and other places within the state from which oysters and other shellfish are taken to be marketed

and sold for consumption, with a view of ascertaining the sanitary conditions of such oyster beds and other places, and the fitness of the oysters and other shellfish in such places, or which are taken therefrom, for use as articles of food.

§ 214. **Duties of state commissioner of health.**—For the purposes of making such inspection the superintendent of marine fisheries may request the state commissioner of health to designate and assign, and it shall be the duty of the state commissioner of health upon such application to designate and assign, a sanitary inspector who shall, under the direction of the superintendent of marine fisheries, visit such oyster beds and places and examine them and the oysters found thereon or therein, and immediately report to the superintendent of marine fisheries the result of such examination. The superintendent of marine fisheries shall keep or cause to be kept an official record of such inspection, and shall, immediately thereafter, issue certificates, setting forth the result of such inspection, to the owners, lessees or proprietors of such oyster beds and places as shall be found to be in good sanitary condition, and the product of which shall be found to be fit for use as food.

§ 215. **Sale prohibited unless sanitary condition be certified.**—After examination as to sanitary condition and report thereon any person who shall sell, cause to be sold, or expose for sale for consumption within this state, any oysters or other shellfish taken from oyster beds or other places within the jurisdiction of, or forming a part of the state of New York, which have not been so certified to be in

good sanitary condition and the product of which has not been so certified to be fit for use as food shall be deemed guilty of a misdemeanor. It shall be the duty of the commissioner of marine fisheries to immediately furnish certificate of good sanitary condition on report of examination made.

PROSECUTIONS.

§ 216. **Actions for penalties by the people.**—Actions for penalties under this article shall be in the name of the people of the state of New York; and must be brought on the order of the commissioner or of the superintendent of marine fisheries, as the commissioner may direct. Special counsel may be employed and their compensation fixed by the commissioner. Such actions may be discontinued by order of the court on the application of the commissioner or the superintendent upon such terms as the court may direct. Such actions, if in justices' courts, may be brought in any town of the county in which the penalty is incurred or in the county in which the defendant resides.

§ 217. **Proceeds of actions by the people.**—Moneys recovered in an action for a penalty, or upon the settlement or compromise thereof, and fines for violations of this article shall be paid to the forest, fish and game commissioner, who shall apply so much thereof as may be necessary to the payment of the expenses of collection.

§ 218. **Actions by private persons or societies.**—A private person, except the owner or lessee of premises upon which penalty is incurred, on giving security for costs to be approved by a judge of the

court in which action is brought, and any society or corporation for the protection of fish, may recover in his or its name any penalty imposed by this article, and shall be entitled in case of collection to one-half of the recovery, less expenses, the balance to be paid to the commissioner. Notice of the commencement of such an action shall be given to the commissioner or to the superintendent of marine fisheries within fifteen days after the service of the summons therein, and failure to give such notice shall be a defense to the action. If after the commencement thereof an action be brought for the same penalty in the name of the people, an order shall be entered on the application of the commissioner or of the superintendent for the discontinuance of such action without cost to either party. Motion papers in such an application shall be entitled in both actions.

§ 219. Judgments; how enforced.—Judgments recovered under this article may be enforced by execution against the person. A person imprisoned upon such an execution, as provided by section three thousand and thirty-two of the code of civil procedure, shall not be admitted to the liberties of the jail and shall be confined for not less than one day, and at the rate of one day for each dollar recovered. No person shall be imprisoned more than once or for more than six months on the same judgment. Imprisonment shall not operate to satisfy a judgment.

§ 220. Criminal jurisdiction of courts.—Courts of special sessions and police courts in towns and villages, and the several courts of special sessions

and police courts in cities shall in the first instance have exclusive jurisdiction of offenses committed under this article, and the jurisdiction of said courts shall extend to all such offenses committed in the county where the court sits. A warrant shall be returnable before the magistrate issuing the same.

§ 221. **Search warrants; when issued.**—Any justice of the peace, police justice, county judge, judge of a city court or magistrate having criminal jurisdiction shall, if it appear probable that fish taken or possessed contrary to the provisions of this article are concealed, issue a search warrant for the discovery thereof, according to the practice provided in sections seven hundred and ninety-four to seven hundred and ninety-seven inclusive of the code of criminal procedure.

§ 222. **Punishment for misdemeanor.**—A person convicted of a misdemeanor under this article shall, except as otherwise provided, be punished by a fine of not less than ten dollars or more than one hundred dollars; or by imprisonment in the county jail or penitentiary for not less than one day or more than one day for every dollar of such penalty, or by both such fine and imprisonment.

§ 223. **Witnesses not excused from testifying.**—No person shall be excused from testifying in any civil or criminal action or proceeding taken or had under this article upon the ground that his testimony might tend to convict him of a crime. But no evidence derived from the examination of such person shall be received against him upon a criminal prosecution. A person called for the people and so testifying shall not thereafter be liable to indictment or

conviction for a violation or violations of this article respecting which he has so testified, and may plead or prove the giving of such testimony in bar of such an indictment or conviction.

GENERAL PROVISIONS.

§ 224. **Recording and fees.**—All franchises, grants and leases of lands for shellfish culture, and assignments thereof, shall be recorded in the office of the superintendent of marine fisheries, and all records thereof, heretofore or hereafter made, in such office or in any public office, and copies of such records when duly certified by the officer having the custody thereof, shall be admitted in evidence in any action or proceeding, civil or criminal, in which they are material. Fees shall be paid to the state and collected by the superintendent of marine fisheries as follows, to wit, for the filing of each application for a grant or lease of land under water, twenty-five cents; for recording each instrument of lease, grant or assignment, one dollar; for each license or certificate issued, one dollar; for each relocation survey seven dollars per day for the time occupied, together with the actual traveling expenses of the surveyor. Any person requiring an original or relocation survey shall furnish a vessel at the place where such survey is to be made, and the necessary assistance to do the work, at his own expense. (*As am'd by chap. 240, Laws of 1909.*)

§ 225. **Licenses for vessels.**—There shall be a license fee of seventy-five dollars or less, in the discretion of the commissioner, per annum for each steam vessel of fifty tons or over engaged in fishing with nets in the tidal waters of the state, for the

purpose of making oil or fertilizer from the fish product taken. The owner or owners, lessee or lessees, or persons operating, running, managing or fishing with any such vessel, using the same in fishing with nets in the tidal waters of the state for the purpose of making oil or fertilizer from fish products taken, who shall not before engaging in such business procure of the forest, fish and game department of the state such license as herein provided, shall be guilty of a misdemeanor and punishable by a fine of not less than three hundred dollars for each offense. No license shall be required from citizens of this state for the purpose of fishing for migratory food fish of the sea, but nonresidents of the state engaged in fishing with nets in the tidal waters of the state shall be required to pay a license fee of five dollars to the state for each vessel used in fishing with nets in such waters. Any person other than a resident of this state using any vessel for the purpose of taking fish with nets from the tidal waters of the state, or within three nautical miles of the coast line, without first having obtained from the commissioner of forest, fish and game the necessary license or licenses as herein provided, is guilty of a misdemeanor and shall be liable to a penalty of one hundred dollars, and to an additional penalty of twenty-five dollars for each vessel so used. It shall be unlawful for any person, corporation, copartnership or firm to engage in taking food fish for the purpose of rendering the same into oil or fertilizer, and any such person, corporation, copartnership or firm taking food fish for such purpose shall be guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars for each offense.

ARTICLE XIII.

Definitions and Construction.

Section 240. Definitions.

241. Storage in close season.

242. Construction.

243. Repeal.

244. Time of taking effect.

§ 240. **Definitions.**—The following words and phrases used in this chapter are defined as follows:

1. "Grouse" includes ruffed grouse, partridge and every member of the grouse family.

2. "Trout" includes speckled trout, brown trout, rainbow trout, red-throat trout and brook trout.

3. "Lake trout" for the purposes of this chapter includes landlocked salmon and ouananishe.

4. "Black bass" includes Oswego bass.

5. "Pickerel" and "pike" for the purposes of this chapter includes wall-eyed pike or pike perch, blue pike, yellow pike, green pike, grass pike, sauger or sand pike, gray pike, and all other fish of the pike perch kind.

6. "Angling" means taking fish by hook and line in hand or rod in hand; or if from a boat not exceeding two lines with or without rod to one person.

7. "Taking" includes pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting fish and game, and all lesser acts such as disturbing, harrying or worrying, or placing, setting, drawing or using any net or other device commonly used to take fish and game, whether they result in taking or not; and includes every attempt to take and every act of assistance to every other person in taking or attempting to take fish or game. A person who

counsels, aids or assists in a violation of any of the provisions of the forest, fish and game law, or knowingly shares in any of the proceeds of said violation by receiving or possessing either fish, birds, game or timber, shall be deemed to have incurred the penalties provided in this chapter against the person guilty of such violation. Whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

8. "Person" includes a copartnership, joint-stock company or corporation.

9. Where lands are referred to as "inclosed," the boundary may be indicated by wire, ditch, hedge, fence, road, highway, water or in any visible or distinctive manner which indicates a separation from the surrounding contiguous territory.

10. "Trespass" includes cutting, injuring, taking or removing trees of any size of timber or other property of the state, or entering upon the lands of the state with intent to cut, injure, take or remove trees of any size or timber or other property of the state.

11. "Pheasant" does not include the native ruffed grouse commonly termed partridge.

12. Gender and number shall be disregarded in construing this chapter whenever it is necessary to carry out the spirit thereof.

13. Commission, commissioner, commissioners and board of commissioners are synonymous with commission of forest, fish and game.

14. "Open season" is the time during which fish, fowl, birds and quadrupeds may be taken.

15. "Closed season" is the time during which fish, fowl, birds and quadrupeds cannot be taken.

16. "Hooking" is defined to mean taking or attempting to take with hook fish not attracted by bait or artificial lure, by snatching with hooks, whether baited or unbaited, gangs or similar devices.

17. Forest preserve counties are those counties in which the lands thereof, if acquired by the state, will become part of the forest preserve.

18.* Plumage includes any part of the feathers, head, wings or tail of any bird, and wherever the word occurs in this chapter reference is had equally to plumage of birds coming from without the state as to that obtained within the state, but it shall not be construed to apply to the feathers of birds of paradise, ostriches, domestic fowl or domestic pigeons. (*As am'd by chap. 474, Laws of 1909 and chap. 256, Laws of 1910.*)

§ 241. Storage in close season.—Whenever in this chapter the possession of fish, or game, or the flesh of any animal, bird or fish, is prohibited, reference is had equally to such fish, game or flesh coming from without the state as to that taken within the state. Provided, nevertheless, that if there be any open season therefor, any dealer therein, if he has given the bond herein provided for, may hold during the close season in a public storehouse to be designated by the commissioner such part of his stock as he has on hand undisposed of at the opening of such close season. Said bond shall be to the people of the state, conditioned that such dealer will not during the close season ensuing, sell, use, give away or otherwise dispose of any fish, game, or the flesh of any animal, bird, or fish which he is per-

* Sub. 18 was added by chap. 256, Laws of 1910 and is not to take effect until July 1, 1911.

mitted to possess during the close season by this section; that he will not in any way during the time when said bond is in force, violate any provisions of the forest, fish and game law; the bond may also contain such other provisions as to the inspection of the fish and game possessed as the commission shall require, and shall be subject to the approval of the commission as to amount and form thereof, and the sufficiency of sureties. But no presumption that the possession of fish or game or the flesh of any animal, bird or fish is lawfully possessed under the provisions of this section shall arise until it affirmatively appears that the provisions thereof have been complied with.

§ 242. **Construction.**— This chapter is intended to be a restatement of existing law with such changes as clearly appear. The term of office of all the present subordinate employees of the forest, fish and game commission shall not be affected hereby, except as herein especially provided; and the term of office of the commissioner shall commence from and after April fourteenth, nineteen hundred eight. Nothing in this chapter shall be construed as amending or repealing any provision of the criminal code or penal law.

§ 243. **Repeal.**— Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 244. **Time of taking effect.**— This chapter shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

Revised Statutes.. Part 1, chapter 20, title 11,..All

Revised Statutes.. Part 1, chapter 20, title 16,..All

Laws of	Chapter	Section
1785.....	31.....	All
1786.....	39.....	All
1788.....	27.....	All
1788.....	71.....	All
1788.....	82.....	All
1789.....	36.....	All
1791.....	9.....	All
1795.....	53.....	All
1798.....	69.....	All
1800.....	74.....	All
1801.....	78.....	20
1801.....	127.....	All
1803.....	97.....	All
1803.....	106.....	16
1804.....	73.....	All
1807.....	100.....	All
1807.....	140.....	All
1807.....	146.....	1, 2
1809.....	37.....	All
1809.....	114.....	All
1810.....	86.....	All
1811.....	156.....	All
1812.....	89.....	All
1813.....	131.....	All
R. L. 1813...	11.....	All
R. L. 1813...	35.....	23
R. L. 1813...	47.....	7, 8, 10
R. L. 1813...	62.....	All
1814.....	64.....	All
1814.....	146.....	All

Laws of	Chapter	Section
1814.....	214.....	All
1815.....	76.....	All
1815.....	238.....	All
1816.....	135.....	All
1816.....	168.....	All
1816.....	169.....	All
1816.....	186.....	All
1817.....	170.....	All
1817.....	180.....	All
1817.....	211.....	All
1818.....	18.....	All
1818.....	49.....	All
1818.....	89.....	All
1818.....	123.....	All
1818.....	125.....	All
1818.....	177.....	All
1818.....	252.....	All
1819.....	58.....	All
1819.....	81.....	All
1819.....	140.....	All
1819.....	146.....	All
1819.....	148.....	All
1819.....	165.....	All
1819.....	208.....	All
1820.....	20.....	All
1820.....	31.....	All
1820.....	58.....	All
1820.....	68.....	All
1820.....	81.....	All
1820.....	85.....	All
1820.....	102.....	All
1820.....	104.....	All
1820.....	155.....	All
1820.....	158.....	All

Laws of	Chapter	Section
1820.....	200.....	All
1820.....	201.....	All
1820.....	207.....	All
1821.....	11.....	All
1821.....	85.....	All
1821.....	95.....	All
1821.....	142.....	All
1821.....	191.....	All
1822.....	106.....	All
1822.....	151.....	All
1822.....	200.....	All
1822.....	216.....	All
1823.....	28.....	1
1823.....	59.....	All
1823.....	114.....	All
1823.....	185.....	All
1823.....	223.....	All
1824.....	7.....	All
1824.....	99.....	All
1824.....	102.....	All
1824.....	110.....	All
1824.....	115.....	All
1824.....	133.....	All
1824.....	139.....	All
1824.....	157.....	All
1824.....	158.....	All
1824.....	160.....	All
1824.....	182.....	All
1824.....	184.....	All
1824.....	185.....	All
1824.....	274.....	All
1824.....	294.....	All
1825.....	13.....	All
1825.....	157.....	All

Laws of	Chapter	Section
1825.....	305.....	All
1826.....	7.....	All
1826.....	65.....	All
1826.....	212.....	All
1826.....	227.....	All
1827.....	127.....	All
1828.....	17.....	All
1828.....	45.....	All
1828.....	71.....	All
1828.....	147.....	All
1828.....	229.....	All
1828.....	21.....	I, ¶¶ 34, 144, 193, 213, 236, 250, 264, 297, 305, 356, 359, 385, 407, 477. 502, 539 (2d Meet.)
1829.....	189.....	All
1830.....	177.....	All
1831.....	203.....	All
1832.....	204.....	All
1833.....	64.....	All
1833.....	92.....	All
1833.....	155.....	All
1833.....	156.....	All
1835.....	13.....	All
1836.....	127.....	All
1837.....	208.....	All
1838.....	70.....	All
1838.....	86.....	All
1838.....	182.....	All
1839.....	173.....	All
1840.....	77.....	All
1840.....	267.....	All
1841.....	202.....	All
1843.....	114.....	All

Laws of	Chapter	Section
1844.....	109.....	All
1844.....	184.....	All
1845.....	31.....	All
1845.....	129.....	All
1845.....	170.....	All
1845.....	217.....	All
1845.....	365.....	All
1846.....	37.....	All
1846.....	64.....	All
1846.....	83.....	All
1846.....	85.....	All
1846.....	111.....	All
1846.....	113.....	All
1846.....	154.....	All
1848.....	279.....	All
1848.....	356.....	All
1848.....	363.....	All
1849.....	435.....	All
1851.....	478.....	All
1853.....	506.....	All
1855.....	173.....	All
1855.....	488.....	All
1857.....	287.....	All
1857.....	290.....	All
1857.....	514.....	All
1857.....	627.....	All
1857.....	732.....	All
1858.....	13.....	All
1858.....	38.....	All
1858.....	89.....	All
1858.....	163.....	All
1859.....	89.....	All
1859.....	229.....	All
1859.....	285.....	All

Laws of	Chapter	Section
1859.....	464.....	All
1859.....	469.....	All
1859.....	511.....	All
1860.....	54.....	All
1860.....	186.....	All
1860.....	196.....	All
1860.....	199.....	All
1860.....	223.....	All
1860.....	228.....	All
1860.....	302.....	All
1860.....	332.....	All
1860.....	384.....	All
1861.....	146.....	All
1861.....	173.....	All
1861.....	214.....	All
1862.....	107.....	All
1862.....	212.....	All
1862.....	335.....	All
1862.....	474.....	All
1863.....	462.....	All
1864.....	288.....	All
1864.....	426.....	All
1864.....	575.....	All
1865.....	337.....	All
1865.....	518.....	All
1865.....	642.....	All
1865.....	678.....	All
1865.....	679.....	All
1866.....	112.....	All
1866.....	251.....	All
1866.....	404.....	All
1866.....	464.....	All
1866.....	753.....	All
1866.....	813.....	All

Laws of	Chapter	Section
1867.....	292.....	All
1867.....	541.....	All
1867.....	683.....	All
1867.....	827.....	All
1867.....	898.....	All
1868.....	3.....	All
1868.....	285.....	All
1868.....	344.....	All
1868.....	785.....	All
1869.....	909.....	All
1869.....	910.....	All
1870.....	234.....	All
1870.....	567.....	All
1871.....	367.....	All
1871.....	721.....	All
1871.....	831.....	All
1872.....	65.....	All
1872.....	83.....	All
1872.....	316.....	All
1872.....	356.....	All
1872.....	433.....	All
1872.....	436.....	All
1872.....	483.....	All
1872.....	595.....	All
1872.....	608.....	All
1873.....	74.....	All
1873.....	121.....	All
1873.....	353.....	All
1873.....	381.....	All
1873.....	435.....	All
1873.....	436.....	All
1873.....	479.....	All
1873.....	524.....	All
1873.....	665.....	All

Laws of	Chapter	Section
1873.....	693.....	All
1873.....	739.....	All
1873.....	740.....	All
1874.....	33.....	All
1874.....	91.....	All
1874.....	231.....	All
1874.....	336.....	All
1874.....	352.....	All
1874.....	390.....	All
1874.....	394.....	All
1874.....	409.....	All
1874.....	424.....	All
1874.....	455.....	All
1874.....	511.....	All
1875.....	55.....	All
1875.....	89.....	9
1875.....	154.....	All
1875.....	183.....	All
1875.....	186.....	All
1875.....	201.....	All
1875.....	230.....	All
1875.....	236.....	All
1875.....	272.....	All
1875.....	276.....	All
1875.....	277.....	All
1875.....	306.....	All
1875.....	321.....	All
1875.....	344.....	All
1875.....	382.....	All
1875.....	384.....	All
1875.....	504.....	All
1875.....	524.....	All
1876.....	191.....	All
1876.....	347.....	All

Laws of	Chapter	Section
1876.....	389.....	All
1876.....	395.....	All
1876.....	396.....	All
1876.....	400.....	All
1877.....	152.....	All
1877.....	276.....	All
1877.....	296.....	All
1877.....	398.....	All
1877.....	411.....	All
1877.....	421.....	All
1878.....	302.....	All
1879.....	87.....	All
1879.....	309.....	All
1879.....	361.....	All
1879.....	534.....	All
1880.....	282.....	All
1880.....	453.....	All
1880.....	531.....	All
1880.....	584.....	All
1880.....	591.....	All
1881.....	416.....	All
1881.....	430.....	All
1881.....	704.....	All
1882.....	178.....	All
1883.....	317.....	All
1884.....	127.....	All
1884.....	185.....	All
1884.....	212.....	All
1884.....	247.....	All
1884.....	269.....	All
1884.....	501.....	All
1885.....	121.....	All
1885.....	237.....	All
1885.....	242.....	All
1885.....	243.....	All
1885.....	283.....	All

Laws of	Chapter	Section
1885.....	485.....	All
1885.....	556.....	All
1885.....	557.....	All
1886.....	11.....	All
1886.....	112.....	All
1886.....	124.....	All
1886.....	141.....	All
1886.....	194.....	All
1886.....	226.....	All
1886.....	247.....	All
1886.....	267.....	All
1886.....	300.....	All
1886.....	395.....	All
1886.....	427.....	All
1886.....	429.....	All
1886.....	430.....	All
1886.....	437.....	All
1886.....	522.....	All
1886.....	542.....	All
1886.....	590.....	All
1886.....	603.....	All
1886.....	671.....	All
1887.....	259.....	All
1887.....	366.....	All
1887.....	373.....	All
1887.....	395.....	All
1887.....	407.....	All
1887.....	475.....	All
1887.....	498.....	All
1887.....	530.....	All
1887.....	562.....	All
1887.....	584.....	All
1887.....	591.....	All
1887.....	596.....	All

Laws of	Chapter	Section
1887.....	617.....	All
1887.....	618.....	All
1887.....	619.....	All
1887.....	620.....	All
1887.....	623.....	All
1887.....	639.....	All
1887.....	641.....	All
1888.....	501.....	All
1888.....	520.....	All
1888.....	547.....	All
1888.....	577.....	All
1889.....	24.....	All
1889.....	512.....	All
1889.....	539.....	All
1889.....	550.....	All
1889.....	556.....	All
1890.....	8.....	All
1890.....	11.....	All
1890.....	37.....	All
1890.....	54.....	All
1890.....	90.....	All
1890.....	99.....	All
1890.....	308.....	All
1890.....	533.....	All
1892.....	488.....	All
1892.....	561.....	All
1892.....	707.....	All
1893.....	62.....	All
1893.....	194.....	All
1893.....	293.....	All
1893.....	307.....	All
1893.....	321.....	All
1893.....	332.....	All
1893.....	343.....	All

Laws of	Chapter	Section
1893.....	453.....	All
1893.....	540.....	All
1893.....	541.....	All
1893.....	542.....	All
1893.....	547.....	All
1893.....	548.....	All
1893.....	573.....	All
1894.....	183.....	All
1894.....	439.....	All
1894.....	608.....	All
1894.....	627.....	All
1894.....	665.....	All
1894.....	744.....	All
1895.....	40.....	All
1895.....	179.....	All
1895.....	395.....	All
1895.....	448.....	All
1895.....	470.....	All
1895.....	498.....	All
1895.....	551.....	All
1895.....	974.....	All
1896.....	114.....	All
1896.....	144.....	All
1896.....	150.....	All
1896.....	154.....	All
1896.....	169.....	All
1896.....	179.....	All
1896.....	180.....	All
1896.....	233.....	All
1896.....	251.....	All
1896.....	284.....	All
1896.....	319.....	All
1896.....	367.....	All
1896.....	368.....	All

Laws of	Chapter	Section
1896.....	383.....	All
1896.....	462.....	All
1896.....	463.....	All
1896.....	531.....	All
1896.....	652.....	All
1896.....	653.....	All
1896.....	654.....	All
1896.....	655.....	All
1896.....	657.....	All
1896.....	658.....	All
1896.....	659.....	All
1896.....	660.....	All
1896.....	661.....	All
1896.....	783.....	All
1896.....	802.....	All
1896.....	824.....	All
1896.....	975.....	All
1897.....	63.....	All
1897.....	64.....	All
1897.....	93.....	All
1897.....	94.....	All
1897.....	150.....	All
1897.....	151.....	All
1897.....	175.....	All
1897.....	182.....	All
1897.....	220.....	All
1897.....	250.....	All
1897.....	259.....	All
1897.....	280.....	All
1897.....	322.....	All
1897.....	326.....	All
1897.....	330.....	All
1897.....	342.....	All
1897.....	388.....	All

Laws of	Chapter	Section
1897.....	390.....	All
1897.....	628.....	All
1897.....	699.....	All
1897.....	700.....	All
1897.....	705.....	All
1897.....	706.....	All
1898.....	2.....	All
1898.....	39.....	All
1898.....	40.....	All
1898.....	53.....	All
1898.....	54.....	All
1898.....	55.....	All
1898.....	68.....	All
1898.....	92.....	All
1898.....	93.....	All
1898.....	94.....	All
1898.....	107.....	All
1898.....	109.....	All
1898.....	132.....	All
1898.....	135.....	All
1898.....	139.....	All
1898.....	213.....	All
1898.....	400.....	All
1898.....	401.....	All
1898.....	403.....	All
1898.....	404.....	All
1898.....	405.....	All
1898.....	406.....	All
1898.....	407.....	All
1898.....	408.....	All
1898.....	409.....	All
1898.....	447.....	All
1898.....	449.....	All
1898.....	450.....	All

Laws of	Chapter	Section
1898.....	451.....	All
1898.....	452.....	All
1898.....	453.....	All
1898.....	454.....	All
1898.....	455.....	All
1898.....	456.....	All
1898.....	457.....	All
1898.....	458.....	All
1898.....	459.....	All
1898.....	460.....	All
1898.....	461.....	All
1898.....	462.....	All
1898.....	463.....	All
1898.....	489.....	All
1898.....	600.....	All
1898.....	639.....	All
1899.....	5.....	All
1899.....	10.....	All
1899.....	42.....	All
1899.....	54.....	All
1899.....	55.....	All
1899.....	60.....	All
1899.....	135.....	All
1899.....	141.....	All
1899.....	187.....	All
1899.....	188.....	All
1899.....	228.....	All
1899.....	231.....	All
1899.....	235.....	All
1899.....	244.....	All
1899.....	249.....	All
1899.....	252.....	All
1899.....	290.....	All
1899.....	319.....	All

Laws of	Chapter	Section
1899.....	325.....	All
1899.....	341.....	All
1899.....	415.....	All
1899.....	425.....	All
1899.....	426.....	All
1899.....	483.....	All
1899.....	511.....	All
1899.....	533.....	All
1899.....	534.....	All
1899.....	535.....	All
1899.....	536.....	All
1899.....	537.....	All
1899.....	538.....	All
1899.....	610.....	All
1899.....	611.....	All
1899.....	619.....	All
1899.....	642.....	All
1899.....	701.....	All
1899.....	729.....	All
1900.....	20.....	All
1900.....	186.....	All
1900.....	215.....	All
1900.....	235.....	All
1900.....	429.....	All
1900.....	538.....	All
1900.....	593.....	All
1900.....	594.....	All
1900.....	596.....	All
1900.....	597.....	All
1900.....	598.....	All
1900.....	599.....	All
1900.....	600.....	All
1900.....	601.....	All
1900.....	602.....	All

Laws of	Chapter	Section
1900.....	603.....	All
1900.....	604.....	All
1900.....	605.....	All
1900.....	606.....	All
1900.....	607.....	All
1900.....	608.....	All
1900.....	609.....	All
1900.....	610.....	All
1900.....	611.....	All
1900.....	638.....	All
1900.....	652.....	All
1900.....	741.....	All
1901.....	91.....	All
1901.....	94.....	All
1901.....	100.....	All
1901.....	120.....	All
1901.....	121.....	All
1901.....	147.....	All
1901.....	148.....	All
1901.....	192.....	All
1901.....	252.....	All
1901.....	326.....	All
1901.....	366.....	All
1901.....	396.....	All
1901.....	451.....	All
1901.....	491.....	All
1901.....	519.....	All
1901.....	543.....	All
1901.....	545.....	All
1901.....	559.....	All
1901.....	561.....	All
1901.....	603.....	All
1901.....	606.....	All
1901.....	608.....	All

Laws of	Chapter	Section
1901.....	614.....	All
1901.....	616.....	All
1901.....	652.....	All
1901.....	662.....	All
1902.....	43.....	All
1902.....	71.....	All
1902.....	77.....	All
1902.....	82.....	All
1902.....	111.....	All
1902.....	125.....	All
1902.....	161.....	All
1902.....	190.....	All
1902.....	194.....	All
1902.....	205.....	All
1902.....	213.....	All
1902.....	232.....	All
1902.....	247.....	All
1902.....	267.....	All
1902.....	292.....	All
1902.....	299.....	All
1902.....	303.....	All
1902.....	304.....	All
1902.....	317.....	All
1902.....	332.....	All
1902.....	334.....	All
1902.....	336.....	All
1902.....	343.....	All
1902.....	347.....	All
1902.....	359.....	All
1902.....	361.....	All
1902.....	372.....	All
1902.....	374.....	All
1902.....	511.....	All
1902.....	517.....	All

Laws of	Chapter	Section
1902.....	524.....	All
1903.....	14.....	All
1903.....	72.....	All
1903.....	78.....	All
1903.....	80.....	All
1903.....	81.....	All
1903.....	149.....	All
1903.....	155.....	All
1903.....	162.....	All
1903.....	186.....	All
1903.....	209.....	All
1903.....	220.....	All
1903.....	256.....	All
1903.....	261.....	All
1903.....	277.....	All
1903.....	278.....	All
1903.....	279.....	All
1903.....	291.....	All
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1903.....	440.....	All
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1903.....	442.....	All
1903.....	443.....	All
1903.....	444.....	All
1903.....	445.....	All
1903.....	446.....	All
1903.....	475.....	All
1903.....	516.....	All
1903.....	518.....	All
1903.....	519.....	All
1903.....	520.....	All
1903.....	533.....	All
1903.....	558.....	All

Laws of	Chapter	Section
1903.....	563.....	All
1903.....	596.....	All
1904.....	80.....	All
1904.....	116.....	All
1904.....	157.....	All
1904.....	198.....	All
1904.....	204.....	All
1904.....	233.....	All
1904.....	303.....	All
1904.....	304.....	All
1904.....	311.....	All
1904.....	578.....	All
1904.....	579.....	All
1904.....	580.....	All
1904.....	581.....	All
1904.....	582.....	All
1904.....	583.....	All
1904.....	584.....	All
1904.....	585.....	All
1904.....	586.....	All
1904.....	587.....	All
1904.....	588.....	All
1904.....	590.....	All
1904.....	591.....	All
1904.....	592.....	All
1904.....	593.....	All
1904.....	630.....	All
1904.....	648.....	All
1904.....	674.....	1, 2
1904.....	710.....	All
1905.....	36.....	All
1905.....	196.....	All
1905.....	285.....	All
1905.....	312.....	All

Laws of	Chapter	Section
1905.....	313.....	All
1905.....	314.....	All
1905.....	315.....	All
1905.....	316.....	All
1905.....	317.....	All
1905.....	318.....	All
1905.....	319.....	All
1905.....	335.....	All
1905.....	336.....	All
1905.....	337.....	All
1905.....	338.....	All
1905.....	339.....	All
1905.....	340.....	All
1905.....	341.....	All
1905.....	342.....	All
1905.....	343.....	All
1905.....	420.....	All
1905.....	421.....	All
1905.....	422.....	All
1905.....	423.....	All
1905.....	424.....	All
1905.....	425.....	All
1905.....	426.....	All
1905.....	427.....	All
1905.....	428.....	All
1905.....	429.....	All
1905.....	588.....	All
1905.....	612.....	All
1905.....	657.....	All
1905.....	660.....	All
1906.....	69.....	All
1906.....	73.....	All
1906.....	99.....	All
1906.....	191.....	All

Laws of	Chapter	Section
1906.....	199.....	All
1906.....	206.....	All
1906.....	241.....	All
1906.....	367.....	All
1906.....	402.....	All
1905.....	409.....	All
1906.....	478.....	All
1906.....	519.....	All
1906.....	534.....	All
1906.....	535.....	All
1906.....	536.....	All
1906.....	537.....	All
1906.....	538.....	All
1906.....	539.....	All
1907.....	40.....	All
1907.....	48.....	All
1907.....	57.....	All
1907.....	69.....	All
1907.....	92.....	All
1907.....	96.....	All
1907.....	100.....	All
1907.....	176.....	All
1907.....	196.....	All
1907.....	201.....	All
1907.....	245.....	All
1907.....	260.....	All
1907.....	282.....	All
1907.....	311.....	All
1907.....	333.....	All
1907.....	519.....	All
1907.....	527.....	All
1907.....	656.....	All
1907.....	666.....	All
1907.....	667.....	All

Laws of	Chapter	Section
1907.....	668.....	All
1907.....	745.....	All
1908.....	130.....	All
1908.....	471.....	All

APPENDIX

THE LACEY ACT.

[Chap. 553 (1900).]

UNITED STATES STATUTE.

AN ACT to enlarge the powers of the department of agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the department of agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The secretary of agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various states and territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The secretary of agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the secretary of agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as congress may appropriate therefor.

§ 2. Repealed by chapter 321 of the Laws of 1909 of the United States.

§ 3. Repealed by chapter 321 of the Laws of 1909 of the United States.

§ 4. Repealed by chapter 321 of the Laws of 1909 of the United States.

§ 5. That all dead bodies or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any state or territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such state or territory be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or other-

wise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Approved, May 25, 1900.

CHAPTER 321

of the Laws of 1909 of the United States.

AN ACT to codify, revise and amend the penal laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the penal laws of the United States be and they hereby are codified, revised and amended with title, chapters, head notes and sections, entitled, numbered and to read as follows:

CHAPTER 9.

§ 241. The importation into the United States or any territory or district thereof, of the mongoose, the so called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the secretary of agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States be destroyed or returned at the expense of the owner.

No person shall import into the United States or into any territory or district thereof, any foreign wild animal or bird, except under special permit from the secretary of agriculture. *Provided,* That nothing in this section shall restrict the importa-

tion of natural history specimens for museums or scientific collections, or of certain cage birds such as domesticated canaries, parrots or such other birds as the secretary of agriculture may designate.

The secretary of the treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

§ 242. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any state, territory or district of the United States to any other state, territory or district thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the state, territory or district in which the same were killed or from which they were shipped. *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured and the export of which is not prohibited by law in the state, territory or district in which the same are captured or killed. *Provided further*, That nothing herein shall prevent the importation, transportation or sale of birds or bird plumage manufactured from the feathers of barnyard fowls.

§ 243. All packages containing the dead bodies, or the plumage or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of

the shipper, and the nature of the contents may be readily ascertained on an inspection of the outside of such package.

§ 244. For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than two hundred dollars; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than two hundred dollars; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars.

The above sections 241, 242, 243, 244 take the place of sections 2, 3 and 4 of the Lacey Act.

FOREST FIRES.

RULES AND REGULATIONS.

These rules and regulations were made by the Commissioner under authority of section 40, article 5, chapter 24, Laws of 1909.

Fires to clear land, burn logs, brush, dry grass or other material for this purpose shall not be started by any person, except as provided in section 73. This section prohibits the setting of such fires from April 21st to May 31st inclusive and from September 16th to November 10th inclusive. However, such fires may be set from June 1st to September 15th inclusive, if written permission has first been obtained from the supervisor of the town in which the fire is to be started or from a superintendent of fires or a regular fire patrolman. Whenever such fires are lighted, competent persons must remain to guard them until all fire is extinguished. If such fires are started near forest or woodland the officer granting the permit shall be personally present when the fire is lighted. Should drought or high winds make the starting of such fires dangerous permits shall not be granted or if granted they shall be void. Any or all persons starting such fires will be held responsible for any or all dam-

age caused thereby or for any expenses resulting from fighting such fires, notwithstanding a permit has been secured.

Fires will be permitted for the purposes of cooking, warmth and insect smudges; but before such fires are started, sufficient space around the spot where the fire is to be lighted must be cleared of all combustible material; and before the place is abandoned, fires so set must be entirely extinguished not only on the surface but in any of the soil underneath.

All fires, other than those hereinbefore mentioned, are absolutely prohibited.

Hunters or smokers are warned against allowing fires to originate from the use of firearms, cigars, pipes and matches.

All matches thrown away in the woods must be broken in half before they are dropped. All persons will be held responsible for any damage, injury or expense as a result of their carelessness or negligence.

Girdling and peeling bark from standing trees is absolutely prohibited and any person doing so shall be subject to punishment.

Foresters, Fire Patrolmen, Superintendents of Fires, Inspectors, Game Protectors, and all citizens are requested to report to the Forest, Fish and Game Commission immediately all cases which may come to their notice, of any damage or injury to trees or forests arising from any violation of these rules.

By order of the Forest, Fish and Game Commission.

GENERAL INFORMATION ON FOREST FIRES.

In order to furnish general information in regard to our forest fire law and with the expectation of securing a stronger public sentiment in favor of forest fire prevention, thus assisting in reducing the forest fire losses, and the protection of the forests, both State and private, this article has been prepared.

“Self preservation is the first law of nature” and similarly, the protection of our forests from fire and other enemies is the first rule of forestry. The most destructive agent of the forest is fire and it is one against which we must be guarded at all times. The very use of the woods increases the danger from this source and therefore it is necessary that everyone who travels or who lives in the forest should be *extremely* careful about the use of fire.

The present forest fire law is the result of diligent work on the part of a committee appointed at a meeting of representative lumbermen, large landowners, foresters, park owners and public-spirited citizens. It represents legislation more advanced than is found in the laws of any other state of the Union.

The public sentiment in favor of forestry is so strong; the value of the forest property from a commercial standpoint so large; the necessity for the preservation of the forests upon our two great upland regions of this State so urgent; the use of these forests as a pleasure and health resort so essential; the value of these wooded

areas for water storage, an element in supplying cheaper water power, so important; the decreasing timber supply combined with the increasing demand for wood material so great, that the value of our forests and the necessity for their preservation are accentuated.

It is fair to state that the influence of the forest is so great that the future welfare of this State and of every citizen in the State is intimately associated with the preservation of our forests. The forest as a source of revenue and as a source of supply of necessary material is very great. The value of the forest product of this State in the year 1907 was \$6,000,000 on the stumpage, or \$24,000,000 at the mill. The forest also has an indirect value to our people in that it brings to sections unproductive from an agricultural standpoint thousands of people; and statistics compiled for the year 1902 show that the tourists spent in the Adirondacks over \$6,000,000, exclusive of wages and purchase of merchandise. On the other hand, the absolute loss to property owners by forest fires in the twelve forest counties in 1908 was not less than \$1,000,000 from a commercial standpoint; and to them from a forestry standpoint and to the State in general from a protective value, fully as much more. In order that these revenues continue, we must have reasonable protection from forest fire.

Everyone who travels in the forests must use extreme caution in regard to fire. Smokers must not drop lighted matches and it is very desirable that every match be broken in half before it is thrown away. Campers and hunters must be

very careful about the use of fire for heating and cooking. Such fires should not be started until sufficient space has been cleaned of all duff, leaves and other inflammable material and before such fires are left, they must be thoroughly quenched. Oftentimes fires burn into the under duffy soil and remain there for several days, finally coming to the surface and a serious fire results. It is only fair to the State or to private landowners that people who use their land for pleasure should be cautious and do nothing to endanger their property. In some cases landowners have forbidden trespass by hunters, fishermen and campers simply on account of the fire danger. The freedom which guides and other people who enjoy the woods, will have in the future, on private land, will be largely determined by the care which they exercise in regard to fire. They should not cause these owners to assume the large risks which they are now compelled to take on account of the large number of unrestricted people using our wood lands. The forest fire law provides that any person who sets fire to waste or barren land in the forest preserve counties of the State is punishable on conviction under the Penal Code. Such persons shall also be liable to the State for such wrongful act and to a penalty of \$10 for each and every tree so killed or destroyed; or to any municipality, corporation or person for any damages which they may cause. This section means that campers and other people, building any kind of a fire in any of the forest sections of the twelve Adirondack and four Catskill counties will be held strictly

responsible for any damage resulting from such fire.

Fires to clear land, or burn brush, logs, or dry grass shall not be lighted in our forest sections from April 21st to May 31st inclusive or from September 16th to November 10th inclusive. Such fires may be set from June 1st to September 15th, however, if a written permit has first been obtained from the supervisor of the town in which the burning is to be done, or from a superintendent of fires or from a regular patrolman. There is no charge for these permits and these officials will grant them provided the weather conditions do not make a fire hazardous. If such fires are to be set near forest or woodlands, the official granting the permit is to be present when the fire is started. The person setting such fire shall be liable to the State or any individual for any damage caused by such fire. They shall also be responsible for any unnecessary expense in fighting such fire, should the fire escape beyond their control.

Whenever evergreen (coniferous) trees are cut within the twelve Adirondack or four Catskill counties, provided such trees are not cut for use with the limbs thereon (such as Christmas trees) all of the limbs or branches thereto shall be cut from such trees. The purpose of this law is to have all of the smaller branches of the tree tops lay close to the ground in order that they will decay quickly and thus reduce the fire danger. The experience of former lumbering operations shows that evergreen trees, when the branches are not cut off, decay very slowly and are

a fire menace for many years. It is only fair to the lumbermen that he should do this work because lumbering operations increase the fire danger and as they are the cause of increasing the fire danger, it is only fair that they should take the necessary steps not only to protect their own land but adjoining property owners from this increased fire risk which they have caused. The cost of such additional work is very small and in many cases is entirely offset by the extra amount of wood material secured from the top. This section of the forest law was incorporated at the special request of lumbermen and has met with uniform approval.

The fire fighting and fire prevention organization of this Commission consists of the following force under the direct charge of the Forest, Fish and Game Commissioner. The Superintendent of State Forests, in charge of the direct enforcement of the fire law. The twelve Adirondack counties are divided into three fire districts and the four Catskill counties into one district, each district in charge of a superintendent of fire. The districts are further divided into smaller sections in charge of fire patrolmen. The supervisors in the forest towns of the sixteen counties are, by virtue of their office, fire wardens for such towns. In addition to this force, in various places of fire danger and in isolated localities other men designated as special patrolmen are appointed. There are also fifteen observation stations on suitable mountains where men are stationed throughout the summer with maps and glasses to watch out for and locate fires and

inform by telephone the nearest patrolman or supervisor that such fire is burning. The superintendents of fire, the town supervisors and regular and special patrolmen have authority to warn out any citizen for the purpose of fighting fire when such fires are actually burning. Men are paid at the rate of fifteen cents per hour for time actually employed. With this organization consisting of about 25 paid men and 150 more whose duty it is to act in times of fire, a very satisfactory organization has been effected. However, with all this organization it is necessary to have a strong, favorable, public sentiment and citizens who are willing to assist in this work and fight fire when necessary or communicate with some of our organization whenever such fires occur.

The time has come when our people are realizing the value of a forest, the pleasure-seeker on account of the game, fish, sport or health which he derives; the lumbermen, who view it not simply from the standpoint of how much merchantable material it now contains, but as a matter of improvement and investment. The denuded, burned, sections are being rapidly planted with small trees in order to yield a future supply of material. The guide or a farmer who lives in the resort sections must take a more practical view of the situation and admit that were it not for these forests, the summer people — the hunter, fisherman or health-seeker — would not frequent the woods and they would not be able to secure such ready employment or sell their products so readily at a home market.

The State of New York has acquired title to more than 1,600,000 acres of land in the Adirondacks and Catskills, which is for the free use of our people, with certain restrictions. Any citizen may camp temporarily on State land in the Adirondack or Catskill Park or on the islands in Lake George or the St. Lawrence River. No written permit is necessary nor can one be granted by anybody. The Constitution of the State provides that the land in the Forest Preserve can not be leased, sold or exchanged but must be kept as wild forest land for the enjoyment of the people. The construction of portable houses, tar paper camps, bark houses, log camps or permanent structures of any kind on State land is absolutely prohibited. Only fallen timber can be used for cooking or heating. Whoever camps on this land must be extremely cautious about the use of fire and when such fires are to be abandoned, they must be thoroughly drenched with water.

It is hoped that anyone who uses or is interested in any way in our forest woodlands will cheerfully unite in assisting us and our force in the enforcement of the law and the protection of the forest.

CLIFFORD R. PETTIS,
Superintendent State Forests.

AN ACT to amend the penal law, in relation to
Malicious mischief.

(Chap. 474, Laws of 1910.)

Section 1. Section fourteen hundred and twenty-one of chapter eighty-eight of the laws of

nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows:

§ 1421. Burning crops or timber, how punished. A person who, under circumstances not amounting to arson in any of its degrees:

1. Wilfully burns or sets fire to any grain, grass or growing crop, or standing timber, or to any building, fixtures or appurtenances to real property of another, or

2. Wilfully sets fire to, or assists another to set fire to any wild, waste or forest lands, belonging to the state or to another person whereby such forests are injured or endangered;

Is guilty of felony and is punishable by imprisonment for not more than ten years or by a fine of not more than two thousand dollars, or by both.

§ 2. This act shall take effect July first, nineteen hundred and ten.

AN ACT to amend the town law, in relation to preventing and fighting forest fires.

(Chap. 630, Laws of 1910.)

Section 1. Section eighty-nine of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," as amended by chapter four hundred and ninety-one of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 89. Penalty for setting fire to waste or forest lands. Any person who sets fire to waste or forest lands in towns other than those provided for by section seventy-three of the forest, fish and game law, or who negligently suffers a fire to extend from his own lands to any other lands, is guilty of a misdemeanor, and shall, upon conviction, be imprisoned for not more than one year or shall be fined not more than one thousand dollars, or both, for each offense. Any moneys necessarily expended by the town, under subdivision eight of section ninety-eight hereof, in fighting fires on waste or forest lands may be sued for by the town expending the moneys and recovered from the person causing the fires.

§ 2. Section ninety-eight of such chapter is hereby amended by adding thereto a new subdivision to be subdivision eight thereof, to read as follows:

8. In towns other than those provided for by section seventy-three of the forest, fish and game law, the supervisor shall, by virtue of his office, be fire warden of his town and charged with the duty of preventing and extinguishing forest fires. He shall have power to employ persons to act as patrolmen in preventing and fighting fires and to employ necessary assistants therefor and shall possess all of the power and authority conferred upon the forest, fish and game commissioner, supervisor and fire patrolman under section seventy of the forest, fish and game law. Any person summoned to fight forest fires who is physically able and refuses to assist shall be liable to a penalty of twenty dollars. The town board of

each town shall at its first annual meeting designate one of its members to act as such fire warden for the ensuing year in case of absence of the supervisor. The town board shall fix the compensation of all patrolmen and assistants employed under the provisions of this section, and all expenses incurred under the provisions of this section shall be a charge upon and paid by the town.

§ 3. This act shall take effect immediately.

INFORMATION FOR CAMPERS.

Any citizen may camp temporarily on the State land in the Adirondacks, the Catskills, Lake George and the St. Lawrence river. No written permit is required, nor can one be granted by anybody. The Constitution of the State of New York provides that the land in the Forest Preserve can neither be leased, sold nor exchanged, but must be kept as wild forest land for the enjoyment of the people. Tents are the only structures permitted in the woods, but board floors may be used. No person is entitled to call any particular site his own from year to year. Portable houses are prohibited. So is the erection of any permanent shelter, such as a bark house, lean-to, or log camp. Peeling bark is absolutely prohibited. Fires may be lighted for cooking, warmth and insect smudges, but only fallen timber can be used. Before a fire is lighted ample space must be cleared around the spot so that the fire shall not spread, and before leaving the place the fire must be thoroughly extinguished. All other fires are absolutely forbidden. Hunters and smokers must be careful not to set fires in the woods by the use of firearms, pipes or cigars. Special care must be taken that lighted matches are extinguished before throwing them down in the woods. Campers will be held strictly responsible for any damage or injury to the forest which may result from carelessness or neglect.

THE FOREST, FISH AND GAME COMMISSION.

NET LICENSES.

RULES AND REGULATIONS.

Relating to the use of nets, adopted by the Forest, Fish and Game Commission, June 25, 1910, to take effect January 1, 1911.

All licenses for nets shall be granted pursuant and subject to the following rules and regulations, which shall be plainly printed on each license issued, and made a part thereof:

1. Only such kinds of nets shall be used as are specified in the license, and a license shall not be issued to a non-resident of the State unless specially permitted.

2. The license shall specify the kinds of nets to be used and the duration of the license. Licenses shall be granted for no longer than one year; all licenses granted during the year will expire on the thirty-first day of December following, unless an earlier date is specified; the Commissioner may, at any time, in his discretion, revoke any license after notice to the licensee of the charges made against him.

3. A license issued, pursuant to these rules, is not transferable, and if a licensed net be used by any other person than the licensee or person in his employ, or under his immediate supervision, it shall be deemed forfeited.

4. A metal tag shall be issued with each licensed net upon which shall be stamped a number corresponding with the number on the license. Such tag must be attached to the net when in use, in such a manner that it will be on top of or above the water and in plain sight, at all times. In Lake Ontario not to exceed five tags may be issued with each license granted for row, sail or power boats. Tags will not be required for gill net fishing in Lake Erie. The owner of each licensed boat shall at all times have in plain sight aboard said boat his license for inspection. The licensee must exhibit his license when required, to any Game Protector, or to any peace officer of this State, or to any person designated by the Forest, Fish and Game Commission.

5. Licenses granted under the provisions of section number 126 may be for one seine, not exceeding 100 feet in length; one trap net not exceeding 6 feet in depth; two fyke nets, not exceeding 3 feet in diameter, with leaders not exceeding 50 feet in length.

6. Nets licensed for any of the inland lakes of the State or for taking minnows for bait, shall not be handled nor fish taken therefrom between sunset and sunrise, except as specially permitted in the license. Fish not allowed to be taken, shall, with careful handling, be returned to the water immediately.

7. The mesh of all nets used under any license except to take minnows for bait, shall not be

less than one and one-eighth inch bar (one and one-eighth inches square).

No net shall be used for taking fish in Lakes Erie and Ontario of a smaller size than three inch mesh, or one and a half inch bar.

No nets shall be used for taking lake trout or white fish in any waters of a less size than four and three-quarter inch mesh or two and three-eighth inch bar.

No gill nets shall have wings or leaders attached thereto. No net licensed under a seine license shall be staked, anchored or otherwise fastened while in the water.

8. A licensed net shall only be used in the waters for which the license is given, and may be determined by the Commission and specified in the license.

9. A violation by a licensee, of any of these rules and regulations, or of any hereafter adopted, or of the Forest, Fish and Game Law, shall be sufficient cause for the revoking of a license. Failure to return tags at expiration of license or to make the report required by Rule 12 is sufficient cause for denying an application.

10. Any person holding a license, who shall forfeit the same by reason of being convicted hereafter of illegal fishing, or shall violate any of these rules, shall not thereafter be granted another license within one year, and no person shall be granted a license who within the year preceding the application, has been convicted of illegal fishing.

11. All applications for licenses must be indorsed by two responsible persons.

12. All persons holding a license shall make an annual report to the Commission of the number or weight and kind of fish caught and the value of the same, and return all tags furnished with the license.

13. Each applicant shall, at the time of filing his application for a license, pay to the commission a license fee as provided in the following schedule:

For each fyke, scoop, dip or scap net...	\$1 00
For each trap, seine or gill net.....	5 00
For each line to catch sturgeon.....	1 00
For each eel pot.....	1 00
For each eel weir.....	10 00
For each stake net per 100 lineal feet..	2 00
except in Lake Erie and except in Lake Ontario, where the fee shall be as follows:	
For each fyke or trap net.....	5 00
For each pound net.....	50 00
For each row or sail boat used in fishing gill nets	10 00
For each boat of any other kind, under ten tons gross burden, so used.....	15 00
For each boat of any other kind, of from ten to fifteen tons gross burden, so used	25 00
For each boat of any other kind, of from fifteen to twenty tons burden, so used.	30 00

For each boat of any other kind, of from twenty to twenty-five tons gross burden, so used.....	\$35 00
For each boat of any other kind, of from twenty-five to thirty tons gross burden, so used	40 00
For each boat of any other kind, of from thirty to thirty-five tons gross burden, so used	45 00
For each boat of any other kind, of from thirty-five to forty tons gross burden, so used	50 00
For each boat of any other kind, forty tons or over gross burden, so used...	60 00

14. Eel pots must not exceed in length 56 inches, and in diameter not more than 12 inches, if round or otherwise, and not more than 12 inches square, if square in form; the aperture or mouth of all eel pots shall not be more than one and one-half inches in diameter, if round in form or otherwise, and not more than one and one-half inches square, if square in form; and there shall be no fixtures or wings of any kind attached to or used in connection with eel pots intended to stop fish or to guide or force them into the mouth of the pot.

15. The Forest, Fish and Game Commission reserves the right to alter, amend, repeal or modify any or all of the foregoing rules and regulations, and may adopt new ones at any time as the Commission may deem expedient. The Commission may revoke any license granted

hereunder at any time, and for any reason which to the Commission may seem sufficient. Nothing contained in any of these rules and regulations shall be construed as compelling the issuing of a license to any person nor to prevent the revoking of such license at any time.

ROSTER OF FISH AND GAME PROTECTORS.

JOHN B. BURNHAM, Chief Protector, Essex, Essex county.
 M. C. WORTS, 1st Asst. Chief, Oswego, Oswego county.
 JOHN E. LEAVITT, 2d Asst. Chief, Johnstown, Fulton county.
 R. B. NICHOLS, 3d Asst. Chief, Indian Lake, Hamilton county.
 B. H. MCCOLLOM, 4th Asst. Chief, Canton, St. Lawrence county.
 SPENCER HAWN, 5th Asst. Chief, Cicero, Onondaga county.
 LLEWELLYN LEGGE, Div. Chief, Binghamton, Broome county.
 B. SALISBURY, Div. Chief, Ellicottville, Cattaraugus county.
 WILLETT KIDD, Acting Div. Chief, Newburgh, Orange county.
 ISAIAH VOSBURGH, Acting Div. Chief, Saranac Lake, Franklin county.
 E. A. DORLON, Fisheries Protector, Acting Div. Chief, Freeport, Nassau county.

PROTECTORS.

Name.	Residence.	County.
Ball, J. E.	Old Forge	Herkimer.
Barnes, C. T.	Olmsteadville ...	Essex.
Beebe, Carl A.	Painted Post....	Steuben.
Birch, E. J.	Amsterdam....	Montgomery.
Bower, Samuel E.	Pleasant Valley.	Dutchess.
Boyd, Sterling.	Pulteney.	Steuben.
Broderick, J. W.	Niagara Falls...	Niagara.
Burhans, Edwin.	Kingston.	Ulster.
Burnett, Wm. H.	Lake George....	Warren.
Burnside, Lewis H.	Norwich.	Chenango.
Cloyes, Willis D.	Cortland.	Cortland.
Colloton, J. A.	Albany.	Albany.
Culver, Chester C.	Penn Yan.	Yates.
Daugherty, E. J.	Lakewood.	Chautauqua.
DeWolf, H. C.	Batavia.	Genesee.
Doty, Wm. J.	Sheridan.	Chautauqua.
DoVille, C. T.	Sodus Point.	Wayne.
Farley, Wm. C.	Waverly.	Tioga.
Farnham, P. S.	Owego.	Tioga.
Featherston, I. E.	Ausable Forks...	Clinton.
Ferguson, A. C.	West Sand Lake.	Rensselaer.
Ferree, W. D.	Cayuga.	Cayuga.
Geenan, Edw.	Buffalo.	Erie.
Grant, R. Hume.	Hobart.	Delaware.
Grenon, J. P.	Tupper Lake. ...	Franklin.
Hand, Jay.	Cranberry Lake..	St. Lawrence.
Hayes, James.	Olean.	Cattaraugus.
Hazelton, Miles.	Middleburgh. ...	Schoharie.
Hazen, E. A.	Hammond.	St. Lawrence.
Helmes, David G.	Deerland.	Hamilton.
Hincher, Thurlow.	Hilton.	Monroe.

Name.	Residence.	County.
Hodge, W. C.	Buffalo	Erie.
Hoffman, Fred	Buffalo	Erie.
Horton, H. A.	New Suffolk	Suffolk.
Irons, Wm. H.	Lockport	Niagara.
Jones, Elmer	Holland Patent	Oneida.
Kinstman, Emery	Harrisville	Lewis.
Leavitt, W. J.	Dolgeville	Herkimer.
Lee, Chas. E.	Islip	Suffolk.
McCormack, J. T.	Brooklyn	Kings.
Marsh, Thos. E.	Castile	Wyoming.
Mattison, S. G.	Altmar	Oswego.
Moore, Alex.	Merriwold	Sullivan.
Noble, Geo. R.	Wellsville	Allegany.
Northrup, Joseph	Alexandria Bay	Jefferson.
Norton, Duane	Glenfield	Lewis.
Reed, W. L.	Canandaigua	Ontario.
Reynolds, E. H.	Colton	St. Lawrence.
Rice, John G.	Albion	Orleans.
Riley, Charles	Plattsburg	Clinton.
Sauter, J. V.	New York	New York.
Sargent, W. S.	Theresa	Jefferson.
Scott, N. A.	Greenfield Centre	Saratoga.
Scott, S. S.	Fillmore	Allegany.
Seckington, D. W.	Elizabethtown	Essex.
Smith, J. R.	Norway	Herkimer.
Somerville, Robert	Sodom	Warren.
Speenburgh, D. C.	Hunter	Greene.
Stanyon, Frank	Wells	Hamilton.
Stapley, Chas. R.	Geneseo	Livingston.
Sutton, Geo. E.	Mount Kisco	Westchester
Tarbell, Newton B.	Malone	Franklin.
Thompson, H. H.	Rochester	Monroe.
Vann, J. B.	Ithaca	Tompkins.
Warren, R. E.	Hampton	Washington.
Weed, W. J.	Montour Falls	Schuyler.
Weston, W. H.	Syracuse	Onondaga.
Williams, A. P.	Mannsville	Jefferson.
Willis, John	Oneida	Madison.
Winch, Cassius	Upper Jay	Essex.
Winslow, Alvin	Stony Creek	Warren.
Wolf, Orlando C.	Elmira	Chemung.
Worden, Chas. G.	Oriskany	Oneida.

FISHERIES PROTECTORS.

Dorlon, E. A.	Freeport	Nassau.
Hicks, Edgar	West New Brighton	Richmond.
Squires, C. A.	Echo	Suffolk.

JAMAICA BAY PROTECTORS.

Gallagher, Edmund	Brooklyn	Kings.
Haff, Harry P.	Islip	Suffolk.

HATCHERY FOREMEN.

Hatchery.	Foreman.	Address.
Adirondack.....	Milo F. Otis.....	Upper Saranac.
Caledonia.....	Frank Redband.....	Mumford.
Chautauqua.....	R. R. Brown.....	Bemus Point.
Cold Spring.....	C. H. Walters.....	Cold Spring Har- bor.
Delaware.....	H. E. Annin.....	Margaretville.
Fulton Chain.....	W. H. Burke.....	Old Forge.
Linlithgo.....	G. E. Winchester.....	Linlithgo.
Oneida.....	Geo. F. Scriba.....	Constantia.
Pleasant Valley...	Henry Davidson.....	R. F. D. 4, Bath.

ROSTER OF FIRE SUPERINTENDENTS AND FIRE PATROLS.

FIRST DISTRICT.

Comprising Clinton, Essex and Franklin Counties.
M. C. Hutchins, Superintendent, Ellenburgh Depot.

CLINTON COUNTY.

REGULAR PATROLMEN.

Keeseville..... Geo. B. Thompson.

OBSERVATION STATION.

Lyon Mountain..... B. J. Sanford.

SUPERVISORS.

Keeseville.....	Joshua I. Arthur.
Ellenburgh Depot.....	Cyrus Myers.
Ausable Forks.....	Thos. G. Ryan.
Lyon Mountain.....	C. E. Niblette.
Ellenburgh Center.....	John H. Moore.
Saranac.....	James L. Burke.

ESSEX COUNTY.

REGULAR PATROLMEN.

Lake Placid.....	Fred Brittell.
Minerva.....	B. B. Bibby.
Schroon Lake.....	Samuel Russell.
Schroon River.....	Andrew Anderson.
Elizabethtown.....	Carl Daniels.

SPECIAL PATROLMEN.

Saranac Lake.....	W. S. Fowler.
Newman.....	Rufus Alford.
Minerva.....	Aldred Kayes.
Blue Ridge.....	Joseph Hamner.
Cascadeville.....	Charles Goff.
St. Huberts.....	W. Scott Brown.
Loch Muller.....	Arthur E. Warren.
Newman.....	Ira Lyon.

OBSERVATION STATIONS.

Whiteface Mountain.....	M. L. Reid.
Pharoah Mountain.....	A. L. Pitkin.
Hurricane Mountain.....	Joseph Denton.

PLANTATION PATROLMEN.

Chubb Hill..... Frank J. Noone.

SUPERVISORS.

Keeseville.....	J. H. Smith.
Elizabethtown.....	R. B. Dudley.
Ausable Forks.....	R. T. Kenyon.
Cascadeville.....	H. H. Nye.
Lewis.....	Harry E. Derby.
Minerva.....	John Donnelly.
Port Henry.....	Seward H. Foote.
Newcomb.....	A. E. Bibby.
Lake Placid.....	B. W. Lewis.
Schroon River.....	J. R. Carson.
Schroon Lake.....	C. T. Leland.
Wilmington.....	James Wolfe.
Bloomingle.....	N. D. Barnard.

FRANKLIN COUNTY.

REGULAR PATROLMEN.

Lake Clear Junction.....	A. I. Vosburgh.
Tupper Lake.....	T. W. Collins.

SPECIAL PATROLMEN.

Alder Brook.....	David Fadden.
Axton.....	Frank Eldred.
Coreys.....	Charles Wardner.
Faust.....	William Snyder.
Gile.....	Earl F. Day.
Kildare.....	Geo. W. Best.
Loon Lake.....	Edw. Digneau.
Lake Kushaqua.....	S. L. Page.
McCulloms.....	C. A. McArthur.
Onchioto.....	C. H. Torney.
Paul Smiths.....	B. A. Munsell.
Santa Clara.....	Newell Lee.
Upper Saranac.....	Willard Boyce.
Vermontville.....	Geo. B. Taylor.

OBSERVATION STATIONS.

St. Regis Mountain.....	Geo. F. Brown, Jr.
Mount Morris.....	Richard Gile.

PLANTATION PATROLMEN.

Paul Smiths.....	John C. Downs.
Harriestown.....	Charles Donaldson.

SUPERVISORS.

Tupper Lake.....	E. M. Austin.
Owl's Head.....	H. R. Glazier.
Gabriels.....	Chas. J. Reilly.
Duane.....	W. H. Sprague.
Franklin Falls.....	Edward St. Clair.
Saranac Lake.....	J. A. LaTour.
Bay Pond.....	John Redwood.
St. Regis Falls.....	O. L. Wilson.

SECOND DISTRICT.

Comprising Fulton, Hamilton, Saratoga, Warren and Washington counties.

A. D. Lowe, Superintendent, Northville, Fulton county, N. Y.

FULTON COUNTY.

REGULAR PATROLMEN.

Northville..... E. C. Roberts.

SUPERVISORS.

Bleecker..... John M. Peters.
 Johnstown..... Guy Durey.
 Mayfield..... Merl Haines.
 Stratford..... Joseph Helterline.

HAMILTON COUNTY.

REGULAR PATROLMEN.

Long Lake..... P. J. Cunningham.
 Speculator..... Abe Lawrence.
 Hope..... B. Frank Kathan.
 Indian Lake..... Geo. H. Tripp.

SPECIAL PATROLMEN.

Pine Lake..... Alex Budin.
 Forked Lake..... R. J. Hosley.
 Cedar Lake..... Willis E. Brooks.

OBSERVATION STATIONS.

Snowy Mountain..... Frank Washburn.
 Hamilton Mountain..... Alfred Pelcher.
 Cat Head Mountain..... Seth Wadsworth.

SUPERVISORS.

Piseco..... John Rourke.
 Benson..... Lewis L. Snell.
 Hope Falls..... S. M. Brownell.
 Indian Lake..... G. F. Morehouse.
 Speculator..... R. V. Slack.
 Long Lake..... H. D. Kellogg.
 Morehouseville..... H. F. Kreuzer.
 Wells..... John W. Babcock.

SARATOGA COUNTY.

REGULAR PATROLMEN.

West Day..... Frank R. Smith.

SUPERVISORS.

Corinth.....	Heman S. Clothier.
Day.....	Charles Van Avery.
Edinburgh.....	D. O. Grinnell.
Hadley.....	F. J. Dunn.

WARREN COUNTY.

REGULAR PATROLMEN.

West Stony Creek.....	Charles Brooks.
Hague.....	Charles Wheeler.
North Creek.....	Joseph Little.

SPECIAL PATROLMEN.

Luzerne.....	Nathan Pulver.
Garnet.....	C. F. Kenyon.

OBSERVATION STATIONS.

Gore Mountain.....	Frank J. Whaley.
Prospect Mountain.....	Arthur Irish.

SUPERVISORS.

Warrensburgh.....	William J. Thomas.
Lake George.....	Edwin J. Worden.
Chestertown.....	Jesse F. Thurston.
Hague.....	Richard J. Bolton.
Horicon.....	Samuel C. Baker.
North Creek.....	William H. Noxon.
Luzerne.....	Wilson J. Hall.
Stony Creek.....	L. W. Brooks.
The Glen.....	Thos. E. Goodman.
Warrensburgh.....	Alfred J. Pitcher.

WASHINGTON COUNTY.

REGULAR PATROLMEN.

Comstock.....	Lawrence C. Baker.
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SUPERVISORS.

Whitehall.....	Herbert A. Barber.
Fort Ann.....	John Sullivan, Jr.
Putnam Station.....	Geo. I. Lillie.

THIRD DISTRICT.

Comprising Herkimer, Oneida, Lewis and St. Lawrence counties.

James D. McBride, Superintendent, Old Forge, Herkimer county, N. Y.

HERKIMER COUNTY.

REGULAR PATROLMEN.

Little Falls.....	R. S. Spears.
Beaver River.....	David Conkey.

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SPECIAL PATROLMEN.

North Wilmurt.....	Jesse C. Withers.
Beaver River.....	J. H. Wilder.
Big Otter Lake.....	W. D. Crandall.
Wilmurt.....	Lewis Fagan.
Fulton Chain.....	T. J. Bannon.
Ohio.....	Ray G. McIntosh.
Ohio.....	Robert Conklin.
North Wood.....	Nicholas Schumacher.

OBSERVATION STATIONS.

Fort Noble Mountain.....	Perry Cole.
Beaver Lake Mountain.....	John H. Bintz.

SUPERVISORS.

Cold Brook, R. F. D. 1.....	Eugene Hemstreet.
Cold Brook.....	Frank Coonradt.
Salisbury Center.....	H. A. Dodge.
Wilmurt.....	James Lanson.
Fulton Chain.....	E. B. Pullman.

LEWIS COUNTY.

REGULAR PATROLMEN.

Croghan.....	William Waterhouse.
Bush's Landing.....	D. A. Williams.
Port Leyden.....	Ray E. Bishop.

SPECIAL PATROLMEN.

Loweville.....	Henry Turck.
New Bridge.....	L. D. Spicer.
Croghan.....	R. J. Kelly.
Crystal Dale.....	Stephen Baker.
Harrisville.....	Joseph L. Menard.
Chase's Lake.....	Geo. V. Norton.
Newton Falls.....	H. M. Clark.
Croghan.....	Christopher Yousey.
Crystal Dale.....	Herman Petrie.
Newton Falls.....	A. M. Buell.

SUPERVISORS.

Croghan.....	Isidore Tiss.
Harrisville.....	Don F. Sprague.
Greig.....	Chester A. Loman
Port Leyden.....	Dennis M. Coe.

ONEIDA COUNTY.

SPECIAL PATROLMEN.

White Lake Corners.....	Roswell Putney.
Otter Lake.....	R. G. Norton.

SUPERVISORS.

Forestport.....	Frank Tracy.
Remsen.....	Charles M. Williams.

ST. LAWRENCE COUNTY.

REGULAR PATROLMEN.

Piercefield.....	William O'Brien.
Oswegatchie.....	C. C. Brundage.
Stark.....	W. W. Reynolds.
Cranberry Lake.....	Wm. Bancroft.

SPECIAL PATROLMEN.

Aldrich.....	A. Collins.
Childwold.....	Hiram Jebo.
Childwold.....	Dean Seavy.
Colton.....	H. L. Gleason.
Cranberry Lake.....	M. L. Wicks.
Gale.....	John H. Robare.
Holleywood.....	James Ferry.
Moody.....	Daniel Hinkson.
Oswegatchie.....	Stephen Hayes.
Star Lake.....	C. C. Davis.
South Colton.....	J. M. Douglas.
South Colton.....	F. S. Williamson.
Seavy.....	Archie Shortliff.
Stark.....	Elmer Watson.
Tupper Lake.....	John Watson.
Wanakena.....	R. H. Hanley.
Clare.....	C. H. Isham.
Clare.....	Thomas Shaw.
Ozonia.....	Robert Day.

OBSERVATION STATIONS.

Cat Mountain.....	G. A. Muir.
Moosehead Mountain.....	John W. Hinkson.

SUPERVISORS.

Clare.....	D. N. Dean.
Benson Mines.....	Henry J. Corbitt.
Colton.....	Joseph T. Smith.
Fine.....	E. V. Dowling.
Parishville.....	O. H. Copell.
Gale.....	L. E. Gale.
Harrisville, R. D. 2.....	Noel Aldoes.

HAMILTON COUNTY.

REGULAR PATROLMEN.

Raquette Lake.....	Daniel Lynn.
Sumner Creek.....	W. M. Wright.

OBSERVATION STATION.

West Mountain.....	Cal LaPrairie.
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SUPERVISORS.

Inlet.....	F. E. Tiffany.
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FOURTH DISTRICT.

Comprising Delaware, Greene, Sullivan and Ulster counties.

Stratton D. Todd, Superintendent, P. O. Arkville, Ulster county, N. Y.

DELAWARE COUNTY.

REGULAR PATROLMEN.

Union Grove..... Emory Jenkins.

SPECIAL PATROLMEN.

Arkville..... D. B. Cole.
East Branch..... John B. Hawk.

OBSERVATION STATION.

Claudell Point..... John B. Hawk.

SUPERVISORS.

Andes..... James W. Dickson
Downsville..... Frank W. Hartman.
Hancock..... Clayton L. Wheeler
Margaretville..... John W. Telford.

GREENE COUNTY.

REGULAR PATROLMEN.

Jewett..... Eugene Kurau.

SPECIAL PATROLMEN.

Haines Falls..... Geo. H. Matthews.
Lanesville..... Harry D. Lane.

OBSERVATION STATION.

Hunter Mountain..... A. J. Connelly.

SUPERVISORS.

Tannersville..... Edgar B. Goslee.
Big Hollow..... William H. Woodworth.
Lexington..... Herbert Kipp.
Hensonville..... Sidney L. Ford, M. D.

ULSTER COUNTY.

REGULAR PATROLMEN.

Phoenicia..... Jay H. Simpson.

SPECIAL PATROLMEN.

Hardenburgh..... Geo. H. Owen.
Claryville..... Charles D. Hinckley.
Slide Mountain..... Miles Parker.
Tobasco..... W. H. Garline.

OBSERVATION STATIONS.

Belle Ayre Mountain Charles Y. Persons.
Balsam Lake Mountain Edward Avery.

SUPERVISORS.

Claryville Lewis F. Bennett.
Seager John E. Haynes.
Olive Bridge Jacob Merrihew.
Accord Daniel E. Schoonmaker.
Pine Hill Walter G. Geroldsek.
Wallkill William W. McElhone.
Ellenville W. Kelly Shook.
Bearsville Vactor Shultis.

SULLIVAN COUNTY.

REGULAR PATROLMEN.

Glen Spey Edward Bisland.

SPECIAL PATROLMEN.

Grahamsville H. R. Groo.
DeBruce Edward Mitchell.

SUPERVISORS.

Grahamsville Nathan Black.
Roscoe William B. Voorhies.

RAILROAD FIRE INSPECTORS.

Adams S. B. Kellogg.
Chateaugay Walter Murray.
Oriskany C. J. Gibson.
Plattsburgh D. S. Lombard.
Walton A. B. Bruce.



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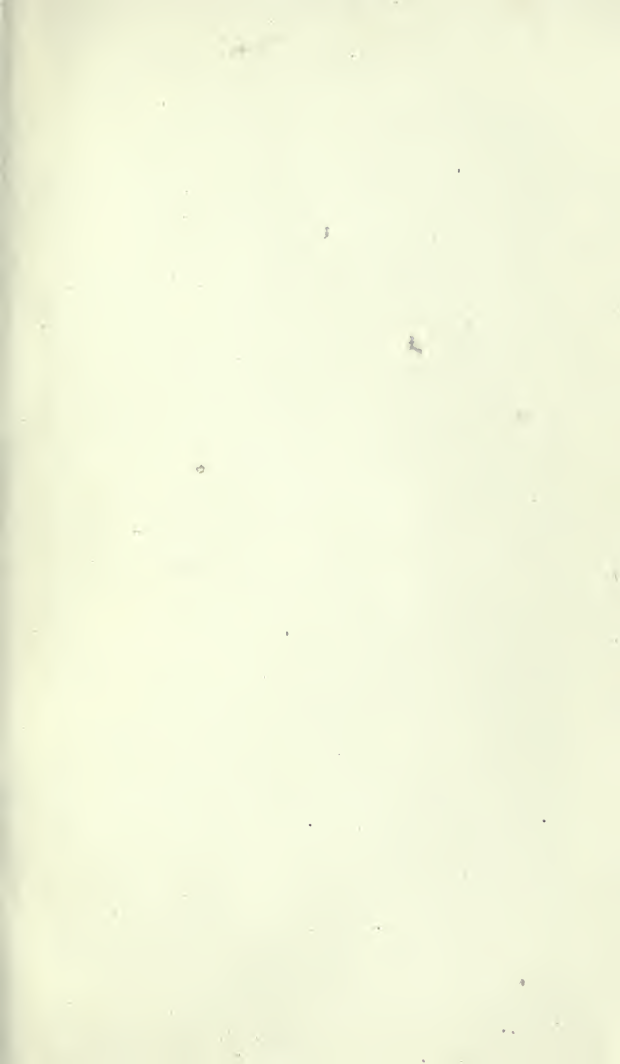
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